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Fourth Session—Twenty-fourth Parliament
1960-61

Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

WEDNESDAY, MARCH 1, 1961

TUESDAY, MARCH 14, 1961

WITNESSES:

From the Oka Band, Oka, Quebec

Mr. Emile Colas, Legal Counsel; Chief James Montour; Mr. Jeffrey
Gabriel.

From the Department of Citizenship and Immigration

Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration
and Superintendent General of Indian Affairs; Mr. L. L. Brown,
Special Assistant to the Director of Indian Affairs.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
*Mr. G. C. Fairfield,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. A. E. Robinson,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. W. H. A. Thomas,
Mr. F. Howard,	Mr. J. Wratten—24
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

*Mr. Fairfield was replaced by Mr. Fane after the morning sitting of March 1.



1017210

ORDERS OF REFERENCE

HOUSE OF COMMONS,
WEDNESDAY, January 18, 1961.

Resolved,—That a Joint Committee of the Senate and House of Commons be appointed to continue the examination and consideration, begun by a Joint Committee of the Senate and House of Commons, pursuant to a resolution of the House on April 29, 1959, and continued by a Joint Committee of the Senate and House of Commons, pursuant to a resolution on March 9, 1960, of the Indian Act, Chapter 149, R.S.C. 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That twenty-four members of the House of Commons, to be designated at a later date, act on behalf of the House as members of the said Committee, and that Standing Order 67(1) of the House of Commons be suspended in relation thereto;

That the records, exhibits and evidence received and taken by the Joint Committees appointed at the last two sessions to examine and consider the foregoing matters be made available to the said Committee and made part of the records thereof;

That the said Committee have power to call for persons, papers and records and examine witnesses under oath; to sit while the House is sitting, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee and that Standing Order 66 be suspended in relation thereto.

THURSDAY, February 2, 1961.

Ordered,—That the 24 Members of the House of Commons to act on behalf of the House as members of the Joint Committee on Indian Affairs to be as follows: Miss LaMarsh and Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fairfield, Grenier, Gundlock, Hardie, Henderson, Howard, Korchinski, Leduc, MacRae, Martel, Muir (*Cape Breton North and Victoria*), McQuillan, Pickersgill, Robinson, Small, Stefanson, Thomas, and Wratten.

WEDNESDAY, February 15, 1961.

Ordered,—That the name of Mr. Horner (*The Battlefords*) be substituted for that of Mr. MacRae on the Joint Committee on Indian Affairs.

WEDNESDAY, March 1, 1961.

Ordered,—That the name of Mr. Fane be substituted for that of Mr. Fairfield on the Joint Committee on Indian Affairs.

THURSDAY, March 2, 1961.

Ordered,—That 9 members of the Joint Committee on Indian Affairs constitute a quorum, provided that both Houses are represented.

Attest.

LÉON-J. RAYMOND,
Clerk of the House.

ORDERS OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate of Canada:

WEDNESDAY, January 25, 1961.

Pursuant to the Order of the Day, the Senate resumed the adjourned debate on the motion of the Honourable Senator Aseltine, seconded by the Honourable Senator Macdonald, P.C.:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to continue the examination and consideration, begun by a Joint Committee of the Senate and House of Commons, pursuant to a resolution of the Senate on May 5, 1959, and continued by a Joint Committee of the Senate and House of Commons, pursuant to a resolution of the Senate on March 15, 1960, of the *Indian Act*, Chapter 149, R.S.C. 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That the following Senators be appointed to act on behalf of the Senate on the said Joint Committee, namely, the Honourable Senators Boucher, Croll, Dupuis, Fergusson, Gladstone, Horner, Inman, MacDonald, Méthot, Smith (*Kamloops*), Stambaugh and White;

That the records, exhibits and evidence received and taken by the Joint Committee appointed at the last two sessions to examine and consider the foregoing matters be made available to the said Committee and made part of the records thereof;

That the said Committee have power to call for persons, papers and records and examine witnesses under oath; to sit during sittings and adjournments of the Senate, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

WEDNESDAY, March 1, 1961.

The Joint Committee of the Senate and House of Commons on Indian Affairs make their first Report, as follows:—

Your Committee recommend that 9 Members of the Committee constitute a quorum, provided that both Houses are represented.

All which is respectfully submitted.

JAMES GLADSTONE,
Joint Chairman.

With leave of the Senate,

The Honourable Senator Gladstone moved, seconded by the Honourable Senator MacDonald, that the Report be now adopted.

The question being put on the motion, it was—

Resolved in the affirmative.

JOHN F. MacNEILL,
Clerk of the Senate.

REPORT TO THE SENATE

WEDNESDAY, March 1, 1961.

The Joint Committee of the Senate and House of Commons on Indian Affairs make their first Report, as follows:—

Your Committee recommend that 9 Members of the Committee constitute a quorum, provided that both Houses are represented.

All which is respectfully submitted.

JAMES GLADSTONE,
Joint Chairman.

REPORT TO THE HOUSE OF COMMONS

THURSDAY, March 2, 1961.

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

FIRST REPORT

Your Committee recommends that 9 of its members constitute a quorum, provided that both Houses are represented.

Respectfully submitted,

LUCIEN GRENIER,
Joint Chairman.

MINUTES OF PROCEEDINGS

WEDNESDAY, March 1, 1961.

(1)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met for organization purposes at 10.15 a.m. this day.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald, Méthot, Smith (*Kamloops*), and Stambaugh. (8)

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Gundlock, Henderson, Horner (*The Battlefords*), Howard, Korchinski, Muir (*Cape Breton North and Victoria*), Robinson, Small, Stefanson, Thomas, and Wratten. (14)

On motion of Honourable Senator Horner, seconded by Honourable Senator Méthot, the Honourable Senator Gladstone was appointed the Joint Chairman representing the Senate.

On motion of Mr. Thomas, seconded by Mr. Stefanson, Mr. Lucien Grenier was appointed the Joint Chairman representing the House of Commons.

On motion of Mr. Charlton, seconded by Mr. Robinson,

Resolved—That Mr. Baldwin be Vice-Chairman of the Committee.

The Honourable Senator Gladstone thanked the Committee for electing him as Joint Chairman.

Mr. Baldwin thanked the committee for the honour conferred upon him.

The Orders of Reference were read by the Clerk of the Committee.

On motion of Mr. Howard, seconded by Mr. Muir (*Cape Breton North and Victoria*),

Resolved—That the Committee recommend to both Houses of Parliament that 9 of its members constitute a quorum provided that both Houses are represented.

On motion of Mr. Thomas, seconded by Honourable Senator Horner,

Resolved—That the Committee print 1500 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence.

On motion of Honourable Senator Horner, seconded by Mr. Korchinski,

Resolved—That a Steering Committee, comprised of the Joint Chairmen and 5 members to be chosen by them, be appointed.

At 10.35 a.m., the Committee adjourned to the call of the Chair.

TUESDAY, March 14, 1961.

(2)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Inman, MacDonald and Stambaugh. (5)

The House of Commons: Messrs. Badanai, Baldwin, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, Howard, Korchinski, Leduc, McQuillan, Small, Stefanson, Thomas, and Wratten. (16)

In attendance: From the Oka Band: Mr. Emile Colas, Legal Counsel; Chief James Montour, Mr. Jeffrey Gabriel, Mr. Alex Montour, Mr. Jean Juneau, Mr. Samuel Nicrolas and Mr. Mitchell Frank.

From the Department of Citizenship and Immigration: Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. L. L. Brown, Special Assistant to the Director of Indian Affairs Branch; and Mr. C. I. Fairholm, Executive Assistant to the Director of Indian Affairs Branch.

From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mr. Grenier thanked the Committee for the honour conferred on him by electing him Joint Chairman of the Committee.

Mr. Grenier called on Mrs. Fairclough, and the Minister made a brief statement in which she referred to a Summary of Submissions to the Joint Committee on Indian Affairs 1959-60, prepared by the Indian Affairs Branch, copies of which were distributed to the members of the Committee.

Mr. Grenier announced the composition of the Subcommittee on Agenda and Procedure, comprising the following Senators and Members: Honourable Senator James Gladstone, Honourable Senator Fergusson and Messrs. Grenier, Baldwin, Charlton, Leduc and Howard.

The Clerk read the First Report of the Subcommittee on Agenda and Procedure as follows:

"Your Subcommittee recommends that representatives of the following Indian groups be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Oka Band (2 official delegates) to be heard on March 14.
2. Manitoba Indian Brotherhood (2 official delegates) to be heard on March 23.

Your Subcommittee recommends that the Committee pay, on behalf of the official delegates of the above-mentioned Indian groups, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (Such period not to exceed two days).

Your Subcommittee also recommends that representatives of the following organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Presbyterian Church to be heard March 15.
2. Canadian Medical Association to be heard March 16.
3. Newfoundland Government to be heard March 21.
4. Canadian Welfare Council to be heard March 22.
5. Greater Winnipeg Welfare Council to be heard March 22."

On motion of Mr. Howard, seconded by Honourable Senator Fergusson,

Resolved—That the First Report of the Subcommittee on Agenda and Procedure be now concurred in.

Mr. Grenier stated that it was hoped to complete hearings of witnesses shortly after the Easter Recess, after which Departmental officials would be heard, followed by a review and examination of the Indian Act to enable a final report to be presented this session.

Mr. Colas, Legal Counsel of Oka Indians, after introducing the delegation from the Oka Band, read a comprehensive submission and was questioned thereon, assisted by Chief James Montour and Mr. Jeffrey Gabriel.

Mr. Brown, Special Assistant to the Director of Indian Affairs, supplied information to the Committee on various matters.

At 11.55 a.m. the Committee adjourned until 9.30 a.m. Wednesday, March 15, 1961.

M. Slack,
Clerk of the Committee.

EVIDENCE

TUESDAY, March 14, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Now we have a quorum, and we will start the meeting. Before coming to business I would like to thank you for the honour you have conferred upon me by electing me as co-chairman of this committee. I am sure it will be a pleasure to work with you and I am sure, also, that with your good cooperation we will get our work done.

Before going any further I would like to mention that we have the honour to have this morning the minister, who would like to say a few words concerning the summary of submissions to the joint committee on Indian affairs.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration*): Mr. Chairman, and members of the committee, I am sorry that it is going to be impossible for me to stay this morning, but I have a cabinet meeting very shortly, and so I must leave. But I particularly wanted to refer to the summary of submissions to the committee over the past two years, which has been prepared by the Indian affairs branch, in English and in French. These are available this morning for distribution to you at this, the start of your deliberations for 1961. I hope they will be useful to you and probably save you some time in delving for information through the many voluminous records which have accumulated during the past two sessions.

I am sure you also hope that it will be possible this year to wind up the work of this committee and submit a final report. The members of the committee have had a great deal of experience over the past two years, and I am sure you would all agree it has been a rewarding experience and extremely interesting.

As the committee continues to meet, I propose to attend as often as I can, because I want to hear as many of these submissions as possible, and the discussions which take place on the submissions. So you can look forward to seeing me frequently. I would like to be here at all times, but, of course, that is impossible. However, my main reason for speaking to you this morning is merely to draw attention to these documents which, Mr. Chairman, are now available. The officials will be glad to distribute them to members, or you can pick them up when you leave, whichever you wish.

If you will excuse me now, I must be on my way. Thank you very much indeed, for all of your work on this committee. Congratulations, Mr. Chairman, on your appointment; and I suppose I should re-congratulate the Senator. This is the first time that a joint committee of both houses has been privileged to have an Indian as one of its chairmen, and particularly one who can give to the committee such valuable service as Senator Gladstone has given, and continues to give.

I am sure your deliberations this year will be just as rewarding as they have been in the past two years, and I should like to extend to all my very best wishes in this valuable work you are doing.

The JOINT CHAIRMAN (*Mr. Grenier*): The membership of the steering committee is composed as follows: Hon. Senators Gladstone and Fergusson, and Messrs. Baldwin, Charlton, Leduc, Howard and myself.

I should like to ask the clerk to read the report of the sub-committee on agenda and procedure.

The CLERK OF THE COMMITTEE: This is the first report of the sub-committee on agenda and procedure:

Your subcommittee recommends that representatives of the following Indian groups be called to appear on the dates indicated below, before the joint committee on Indian affairs:

1. Oka Band (2 official delegates) to be heard on March 14.
2. Manitoba Indian Brotherhood (2 official delegates) to be heard on March 23.

Your subcommittee recommends that the committee pay, on behalf of the official delegates of the above-mentioned Indian groups, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (Such period not to exceed two days).

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1. Presbyterian Church to be heard March 15.
2. Canadian Medical Association to be heard March 16.
3. Newfoundland and Government to be heard March 21.
4. Canadian Welfare Council to be heard March 22.
5. Greater Winnipeg Welfare Council to be heard March 22.

Mr. HOWARD: I move the adoption of the report.

Senator FERGUSON: I second the motion.

The JOINT CHAIRMAN (*Mr. Grenier*): As the minister said a few minutes ago, we expect to complete the hearings of the committee shortly after Easter recess and then we will proceed to hear the officials of the Indian affairs branch, then Health and Welfare, followed by a review and examination of the Indian Act. Then, finally, we expect that the committee will be ready by the end of this session to make final recommendations for a final report to the house.

This morning we have representatives of the Oka group, and I would like to introduce Mr. Emile Colas, who is the attorney for the Oka group.

Senator FERGUSON: Mr. Chairman, could you introduce Mr. Colas and tell us why he is representing this group?

The JOINT CHAIRMAN (*Mr. Grenier*): Mr. Colas is a lawyer representing the Oka group.

Mr. EMILE COLAS (*Counsel for the Oka Group*): I may say, in answer, it would be unfair for the chairman to answer this question, because this is the first time I have been here.

Senator FERGUSON: Perhaps you could tell us.

Mr. COLAS: I am a member of the Montreal bar. I was a graduate engineer before being a lawyer. I am a former president of the junior bar of the city of Montreal. Then I became a member of the bar council of Montreal, and I have been looking after the interests of the Caughnawaga Indians since the expropriation by the St. Lawrence seaway authority. I have also been looking after the interests of the Oka Indians. My dealings with the Department of Indian Affairs have been long. We have many of us here discussed many matters between ourselves, which are still pending after five or six years.

I believe that I have been able to appreciate and at the same time to enjoy the friendship of the Indians, and also understand to a certain extent, or try to understand to a certain extent, their problems and aspirations, and their desires.

That is why it is a great honour for me to be here this morning, to be able to speak on behalf of the Oka Indians. Does that answer your question?

Senator FERGUSON: Thank you very much.

Mr. COLAS: Hon. Chairman, hon. members of the Senate, hon. members of the House of Commons, gentlemen: I believe I will start by reading the brief which we have submitted in writing and which, to a certain extent, represents some of the problems of the Oka Indians.

On behalf of the Indians at Oka, we have the honour to present the following brief.

I might say, also, that this brief has been prepared in cooperation with Dean Frank R. Scott, of the law faculty of McGill University. I say "Dean" because he had the title "Dean" bestowed upon him only a few days ago, so that it is a great pleasure for me to call him "Dean". It is a long time since this honour should have been bestowed upon him.

Dean Scott is a long way off at the moment; he is in Poland to visit his son, who is a member of the Department of External Affairs.

The first settlement of Indians at Oka occurred in the 18th century as a result of two grants of land to the Sulpicien Order on the lake of Two Mountains in 1718 and 1735, it being the policy of the governors of New France to remove the Indians as far as possible from the dangers and temptations that resulted from too close a proximity to the white man. The terms of the grant required the Sulpiciens to care for the Indians who had previously been settled at Sault-au-Recollet. After the Cession difficulties arose over the title to the lands, which resulted in the passing of an act by the legislature of Lower Canada in 1841 (3 & 4 Vict. c. 30), by which the title of the Seminary of St. Sulpice to the Seigniorship of the lake of Two Mountains was confirmed, subject to certain intents and purposes, among which were "the mission of the lake of Two Mountains, for the instruction and spiritual care of the Algonquin and Iroquois Indians". Even this statute left the actual rights of the Indians in some doubt, and after a long and troublesome history or relationship between the Indians and the seminary, which need not be detailed here, and during which a large number of Indians were converted from the Roman Catholic to the Protestant faith, a case was carried to the privy council in 1912 (*Corinthe v. The Ecclesiastics of the seminary of St. Sulpice*). This case settled once for all the question of ownership of the land, their Lordships holding that it vested in the seminary and not in the Indians.

Unfortunately, this judgment left several important questions still unsettled. For to the ownership of the soil was attached a duty—the duty to care for the Indians. Though vaguely defined, it nevertheless existed. It was recognized by the privy council in that part of its judgment which reads as follows: "They desire, however, to guard themselves against being supposed to express an opinion that there are no means of securing for the Indians in the seigniorship benefits which section 2 of the act shows they were intended to have. If this were a case which the practice of the English courts governed, their lordships might not improbably think that there was a charitable trust which the attorney general, as representing the public, could enforce, if not in terms, at all events *cy pres* by means of a scheme if necessary, by invoking the assistance of the legislature. Whether an analogous procedure exists in Quebec, and whether in that sense the matter is one for the government of the dominion or of that of the province, are questions which have not been, and could not have been, discussed in proceedings such as the present".

Obviously in their lordships' opinion, some tangible rights existed which by appropriate action the Indians might seek to enforce. Such action has never yet been taken. As a result, the dissatisfaction of the Indians has continued. In an endeavour to conclude the matter once and for all, the dominion government in 1945 purchased from the seminary acres of land forming part of the seigniory, leaving the rest to be dealt with by the seminary as it saw fit. It seems to have been imagined by the vendor and purchaser at this time that all claim by the Indians to access to and use of the unsold lands was extinguished, and that henceforth they and their children were to be confined to a part only of the whole tract over which they previously roamed at will. They saw happen that which has been the sad story of Indian reserves everywhere in Canada—the continuous encroachment of the white man, armed with legal documents, upon the pitifully small portions of the country upon which alone the Indians were supposed to lay claim after the white men, both French and English, had taken all the rest.

A most acute example of this encroachment has occurred recently. A portion of the seigniory has for centuries been known as the "common lands", on which by ancient use and habit the Indians have been accustomed to cut wood and graze their cattle. Title to these lands passed from the seminary into private hands, and much of it now vests in the municipality of Oka which intends to use them for a golf course. Possibly doubtful of its right to deprive the Indians of their former enjoyment, the municipality secured the passage of a private bill through the Quebec legislature in December 1959 (8-9 Eliz. II Cap. 181) affirming its ownership. Now the axe is being laid to the roots of the splendid trees in the area, roads long used by the Indians are being closed, and bulldozers are completing the work of destruction. The income of Indians is reduced and their freedom of movement restricted, in order that the white man may have more opportunities for recreation. What was once reserved for Indian use and profit is now reserved for golf.

Ladies and gentlemen, place yourselves in our position. Would you not feel a sense of injustice in similar circumstances? Would you be satisfied by being told that everything is quite legal? Is there not a moral law as well as strict law? Is this truly fulfilling the intention of the original grant of the seigniory of the lake of Two Mountains? We are not asking that nothing should change in two and a half centuries. We are not blindly opposing the inevitable adaptations to modern conditions that must take place. But why must these changes benefit the white man more than the Indian?

The Indians at Oka are part of the six nations. We have a sense of our identity with our brothers at Caughnawaga, at Grand river, and across the American border. We have preserved our language, despite the lack of Indian teachers in Indian schools. We wish to remain Indian, and have we not that right? We want tribal ownership of land, not the individual ownership which the white man favours. We have been issued certificates by the government telling us that we have the right to "occupy and use" such and such a piece of land. But where is the ownership of the whole land? If the answer is that the crown owns, then this is something meaningless to us. Why cannot the tribe own the land? You have other communities in Canada, like the Hutterites and Mennonites, which own land in common. Why are these newcomers to Canada preferred above us who were the original Canadians?

We want to feel secure at Oka, able to develop ourselves in our own way, and able to see a territory large enough to absorb the natural growth of our population. We are proud of our family life and our tribal life, and we want to know that our children and our children's children will still be able to live on this land at Oka in peace with their neighbours and not constantly threatened by laws and title deeds which reduce their territory.

We Indians feel we have a rightful claim upon the government for compensation for the loss of so much of the land formerly granted for our benefit. We think that the government should sit down with us to work out a policy for the future development of the Oka band. We have many Indians now doing farming on a limited scale, which they cannot turn into a paying proposition due to lack of capital, equipment and land. The crops they harvest are usually kept to feed their families and they must often work elsewhere or claim unemployment insurance. The jobs available to the Indians in the Oka area are few in number and not well paid. We see no escape from conditions of near poverty unless the government actively takes a hand in helping us to help ourselves. Financial assistance to those wishing to go into business farming for themselves would be beneficial. The problem of land ownership is of primary importance for the Oka Indians. They have time and again tried to obtain an answer from the Canadian government as to their position with respect to the land which they now occupy but as yet they have been unable to obtain an answer.

The Oka lands were purchased by the Canadian government from the Sulpice order in 1945 and after 16 years no solution has been reached.

During these 16 years the Oka Indians have tried to obtain an answer to their problem, but without success.

In a letter dated May 27, 1958, the Minister of Citizenship and Immigration wrote the attorney for the Oka Indians:

These lands do not comprise an Indian reserve. For many years they were under the control of the priests of St. Sulpice, but were acquired by Canada to protect the interests of the Indian occupants. The right to occupy the individual parcels became involved over the years, and the Indian affairs branch has been attempting to straighten these matters out. The work is nearing completion.

I wish to assure you that this was written on May 27, 1958.

Mr. WRATTEN: What was the date of that letter again, please?

Mr. COLAS: It was May 27, 1958.

When it is finished a decision will be given as to the future status of the lands. It is not desired to reach this decision at the present time.

It will be three years in May since this letter was written. You can appreciate, hon. ladies and gentlemen, that if the work was nearing completion three years ago, the Oka Indians may still wait a long time before the work is completed.

This is one of the many examples that could be brought to show the reasons why the Indians became frustrated with the red tape, the lack of cooperation, the incompetency of the Department of Indian Affairs.

The Oka Indians wish that the Oka lands be given the status of a reserve. It has all the characteristics of it, with a resident agent of the Department, but it has not the legal status that would enable the band to have a perpetual use vested in it for their enjoyment and that of their children and descendants. What future is there for the Oka Indian?

This is why the Oka Indians feel that the Department of Indian Affairs has failed in its duties and responsibilities towards them.

The Oka Indians, as well as the great majority of Indians across Canada, feel that the Indian affairs branch has been created by the Dominion of Canada not for the protection, help and succor of the Indian but for the protection, help and succor of the Canadian against the Indian.

The history of the Indians since the creation of the Department of Indian Affairs has been one of ever increasing encroachment on Indian rights and privileges, a dilapidation of its reserve lands.

It would be interesting to know the area occupied by the Oka Indians in 1867 and the area presently occupied by them in 1960. The same could apply to the Caughnawaga Indians, and to many other reserves across Canada.

Far from opposing such encroachments made under the false pretense of progress, especially by the creation of golf courses as in Oka and Caughnawaga, the Indian affairs branch has encouraged and helped some without thinking in terms of the Indian future and Indian interests. The last in line is the one brought by the hon. member from Bonavista. But the Oka Indians believe that this policy is not a peculiar one to the government, but that it has been the line of thought of the branch since its creation.

When our brethren from Caughnawaga were expropriated by the St. Lawrence seaway authority, the lawyer for the Indian affairs branch who at this time was paid with funds earmarked for the protection of Indians, and who normally should have been looking after the interests of the Indians, did so well to "legalize" the expropriation that, once it was completed, he was rewarded for his services by being appointed an officer for the St. Lawrence seaway authority.

Is that the role of the Department? It should work only for the benefit of the Indians. They cannot help themselves without the help of the department; and yet whenever there is a problem of importance the Indians are told to look after it themselves, to seek legal advice at their own expense and to do whatever they will. But once again the Oka Indian asks: What is the purpose of the Indian affairs branch?

The Oka Indians have come to consider the Indian affairs branch as the refuge of colonels, and all kinds of people who had to have a job somewhere, but who could not fit in anywhere. So they were appointed to the Indian affairs branch. They have no preparation for the job, no interest in the work and, above all, they have a marked dislike for Indians and Indian demands. Of course there are exceptions to the general rule. We do not want to put in this category all members of the Indian affairs branch.

The Oka Indians believe that it is about time the whole problem of Indian affairs in Canada should be reconsidered in the light of the 20th century. Canada has been encouraging the birth of new nations and the explosion of strong nationalistic movements.

The Indians of Canada have taken cognizance of their identity, originality, fundamental characteristics and history. They now want to share responsibilities in Canada. They have realized that it is time for them to obtain official recognition in their own country and that they be entitled to seek redress for the numerous injustices their forefathers had suffered in the past, and are still suffering today.

The time has gone when they could be parked in reserves like cattle, left to themselves, without help, with no possibility to have their point of view heard and understood, and with their lack of education and knowledge of the white man's numerous legal tricks.

A reserve must become a meeting place where the children of the same family gather, and therefore it must be designed for the benefit of the band as a whole, and not only for the few.

Housing facilities should be of the same quality as that of the surrounding Canadian communities. In fact, it should be better, because the Indians should receive the help of the best urbanists who can design the reserve facilities in terms of Indian traditions. The Indian arts and crafts should be developed the same way as the Eskimo arts and crafts have been developed in recent years. Whatever the facilities, they should be created right on the reserve. Small industries could be incorporated, and Indian souvenirs could be manufactured by Indians and not stamped "Made in Japan".

Indians should be given greater opportunity for self-government. For that purpose they should be encouraged to make their own decisions, and to look after their execution under the guidance and leadership of Canadian experts.

It is rather surprising to note that Canada is contributing to the Colon... plan many experts, agricultural equipment, et cetera, when, in fact, it should have had, for a long time past, an Indian plan to provide the same advantages to its under-developed citizens towards whom it has, if not a greater, at least an equal responsibility.

It seems that it is since the second world war that Canada decided it had a mission around the world, but that mission should first have been started right here in Canada. The whole fault, hon. ladies and gentlemen, among the Oka Indians would appear to be that the Indian affairs branch has failed to fulfil its responsibilities. It has never stated its aims; it has only taken Canadians against Indians when it should have taken Indians against the Canadians. For these reasons the Oka Indians request the abolishment of the Indian affairs branch as it exists today, and asks for the creation of a new department called the Indian Department, which should serve as the spokesman of the Indians of Canada with the Canadian government.

It should have experts in education, social welfare, health, urbanization, economics, trades, arts and crafts who can work for the Indians just as Canada lends experts to the under-developed countries to train the Indians in those fields where they can later take over.

Indians are as intelligent as any other peoples. The only trouble is that they do not have the opportunity to be educated. They want a modern, up-to-date system of education. The new Indian department must at least play the role that should have been played by the Indian affairs branch. It should help the Indians every time they need help. They must not have to go outside to get legal assistance, economic assistance, expert assistance.

Along with this department must be created an Indian commission which should be a quasi-judicial body which would hear all cases opposing the Canadian government by the Indians. The Indians have been told time and time again to use the Canadian courts. First of all, this is another way on the part of the Indian affairs branch of escaping its responsibilities. Secondly, the Indians cannot afford to pay legal costs that would have to be incurred; and in that respect the Canadian government has even refused to pay fees and legal accounts that have been approved by band councils, this being another way of discouraging Indians from using legal counsel outside; and they are told to do so by the Indian affairs branch who should in fact supply them with this legal help.

The Indians have, in my experience, lost confidence in the Canadian courts, and that is the general feeling all across Canada. The Oka Indians want a commission that would be composed of an equal number of Indians freely elected by the Indians, with an equal number of Canadians appointed by the Canadian government. The chairman of this commission would be appointed by the parties, and in the event of failure or impossibility to do so by the Canadian government among the members of the judiciary. The Indians would therefore feel that they could present their case without any restraint through complex legal procedure which is unfamiliar to the Indian mind, and which they distrust wholeheartedly. The commission could further, wherever there would be difficulties arising, solve the difficulties whenever the Indians are deprived of their rights.

At the present time this is, as I say, the opening remarks by the Oka Indians. We will be glad to answer any questions that may be placed to us, if in fact we have the answers.

Thank you very much, ladies and gentlemen.

The JOINT CHAIRMAN (*Mr. Grenier*): Before we go to questions, perhaps I should ask Mr. Colas to introduce the representatives of the Oka band which are here this morning.

Mr. COLAS: Yes, sir. Would you give your names to the committee?

Mr. GABRIEL: I am Jeffrey Gabriel.

Mr. JUNEAU: I am Jean Juneau.

Mr. NICHOLAS: Sam Nicholas.

Mr. FRANK: I am Mitchell Frank.

Chief MONTOUR: I am Chief James Montour.

Mr. MONTOUR: I am Alec Montour.

The JOINT CHAIRMAN (*Mr. Grenier*): Any questions the committee would like to ask?

Mr. BALDWIN: Mr. Chairman, I would like to ask two or three questions along the lines of this brief. I want to make sure the witness understands that when I am asking the questions, I am not attempting to place any lessening of the responsibility of the federal government; but an examination of your brief would show that litigation went to the Privy Council by virtue of the provincial legislation referred to as an act passed in 1841. That was what prompted the original case which went to the Privy Council, and the Privy Council recognized that there might be a responsibility of either or both of the provincial or federal governments—because they say that in their judgment.

Mr. COLAS: That is right.

Mr. BALDWIN: Also, am I not correct in assuming that the last encroachment of which the Indians complained was as a result of the legislation passed in 1959 when the seminary went to the legislature to secure passage of a private bill?

Mr. COLAS: In 1959 it was the municipality of Oka which purchased this, and, of course, they not having a clear title, carried it to the Quebec legislature to have it corrected. In fact, at the time it was Premier Sauve, who was a member for the riding of the lake of Two Mountains.

Mr. BALDWIN: One question I wanted to ask in that regard: Has any attempt been made to secure any form of redress from the provincial legislature?

Mr. COLAS: In this connection I may say that we have asked the federal government to disallow the bill passed by the provincial legislature. We have had a long correspondence with the Indian affairs branch in that respect. They told us, as usual, "Well, we see no reason to do so, but if you have any legal ground, you can tell us". We wrote on June 1, 1960, to the Minister of Citizenship and Immigration in connection with that, giving them the whole legal reasoning that would enable the federal government to disallow the bill. At the time we were told: "Well, it is no longer the Department of Indian Affairs; it is the Department of Justice", and a few days before the Deputy Minister of Justice left the staff, we had a one-page answer in which he said: "Well, we do not believe that actually it is the role of the Justice Department to disallow this particular bill".

So this shows you again that all this work should have been done by the Indian affairs branch. It was not up to the Indians. Why should they pay the cost of getting legal advice and information because they have not the money? This is the government's problem. The department has its own lawyers, its own legal advisers, and they should be doing this work which the Oka Indians were asking to have information upon. Now, there is an uncertainty as to the validity of this particular bill, and as to the validity of the title vested in the municipality of Oka.

Mr. BALDWIN: Now, my question is in reference to page two of your brief, where the Privy Council says:

Whether an analogous procedure exists in Quebec, and whether in that sense the matter is one for the Government of the Dominion or that of the Province, are questions which have not been, and could not have been, discussed . . .

What I want to know is, has anyone on behalf of the Oka Indians, or has the Indian affairs branch been requested to take this matter up with the provincial government to see if they are prepared to make restitution?

Mr. COLAS: Yes, they have been requested many times, and nothing has ever been done. Up until now the question remains unanswered because the seignory of the Lake of Two Mountains was given to the Sulpicien order for one definite purpose—for the protection, education and moral support of the Indians. This is an obligation which is attached to the lands, and this is an obligation which the Indian affairs branch should either ask the Sulpicien order to fulfil, or that it should fulfil itself, if they really want to be living up to the statutes that are still in existence.

But nothing has been done in that connection, and that is the great tragedy. That is why the Indians feel frustrated and why they will remain frustrated. At the present time the Indians are living on lands of which they do not know the status. The Government of Canada purchased these lands in 1945; and as I said previously, the Canadian government has never been able to give an answer as to what will be the future of these lands. Yet the Indians have been residents of these pieces of land since the eighteenth century. They have enjoyed that. You have treaties, and you have the royal proclamations of the Kings of England. You have the terms of the capitulation of Montreal, which granted safeguarding rights to Indians. Yet, these are considered as just scraps of paper.

The Indians have not rights like the white man. They simply look at those sections, and they know, for example, that the lands which were called the common lands used for the benefit of the whole tribe—they know their grandfathers and their great-grandfathers had their cattle-raising rights and looked after them, and went on hunts in that area; but now they have been divested of that privilege.

The JOINT CHAIRMAN (Mr. Grenier): Further to one question asked by Mr. Baldwin: You have referred to a letter which was sent to the department in 1960. You mentioned a legal point which would allow the federal government to disallow that.

Mr. COLAS: This is no longer possible, sir, because the one-year period has lapsed, and we did tell them at the time: "You must be careful, it must be done within a year, because that is the law". We gave them all the reasons, because I will tell you this had been carefully thought out by Dean Scott and myself.

We are not joking when we write to the Canadian government; and the opinions we give, I think, are just as valid and valuable as the opinions that are given by the legal advisers of the Indian affairs branch or the Department of Justice. I think, rather than say no all the time, they should tell us so-and-so, and see if they can help the Indians. But in the five or six years Dean Scott and myself have been dealing with the Indian affairs branch, every time we have suggested something, every time it has been turned down. That is the reason why we feel very definitely there is a lack of interest, a lack of feeling, a lack of cooperation; and that is why the Indians feel frustrated. This is really unfortunate.

Now, speaking as a Canadian, for the first time we must give the Indians the cooperation they want, enjoy good relationships with the Indians, and

we must regain their confidence. They have lost confidence in the Canadian government; they have lost confidence in the Canadian courts; they have lost confidence in being Indians. There are historical grounds to support the position they have taken, and that is the reason we must make a strong effort to put a new spirit into our thinking on Indian problems. We must be able to develop understanding and cooperation, and that can only be done through a fair dialogue between the two parties. We must give them a chance to look after their own affairs; but in order to be able to do so, they must be prepared, and they are not prepared.

Now, gentlemen, that is the unfortunate thing. Their system of education is out-of-date. It is on a denominational basis many a time. I am not going to discuss the validity of denominational education. I am a Roman Catholic myself, but I believe, on Indian reserves the system is bad; it could be made better, and the Indians could be entitled to go to primary schools and to go to secondary schools. If we cannot develop a secondary school on a reserve, we must have arrangements with the surrounding municipalities, whenever possible, to take them into white men's schools. But in order to do so we must be sure that they will not be subjected to sarcasm, to be called "you little savages", like they have been called so often; to be degraded; to be lowered as they have been so many times, and that is the unfortunate thing. It is just as bad to call them savages as it is to call a coloured man a "nigger". This they resent deeply. If kids go to school and they are called savages, and are looked down upon, and looked upon with disfavour by the Canadian people, they come back home and they start to cry and say: "I don't want to be an Indian any more."

We should make them feel proud that they are Indians. They have a tradition and history in this country greater than those of the various European countries which have sent experts and immigrants over to this country.

The JOINT CHAIRMAN (*Mr. Grenier*): I would not like to restrict you in your remarks, but I think we are getting away from the brief, which mainly concerns the land question.

Mr. SMALL: Did not the situation probably stem from this, that this trouble happened originally between the Caughnawaga Indians on, I think, the St. Regis and Long Sault, back in 1689, where they had to take this matter to his majesty the French king, and that Fontainebleau ruled that the Sulpicien fathers had to establish title on the land in Montreal before the first of the next year, and they were not able to do that. Then, in 1735 the religious order was told that they must establish registration for this land and people be put on the land, and that the ruling would be in their favour this time.

Mr. COLAS: Yes.

Mr. SMALL: Is there not a conflict here between the French law and the English law, where the matter of common lands comes into view, which is different; in other words, they did not have what they call the Napoleonic code, but this was done under the Napoleonic code, and it would be the Roman law?

Mr. COLAS: The Napoleonic code was not in existence at the time of the cession. At the time it was the old French law which was, I think, the *Coutume de Paris* applying in Canada, which was a codified system of law which was the consolidation of customs laws and written Roman law.

Mr. SMALL: They did not recognize what we call the common law here?

Mr. COLAS: In this particular instance the problem is not the same there, if you will allow me, because at the present time, you see, the seignory of the Lake of Two Mountains was commissioned by the king of France to the Sulpicien order. The reason why they passed the act in 1841 was due to the

great difficulty that the Sulpicien order and the Indians had to get along together. The Indians became so frustrated with the Sulpicien order that they converted to Protestants, to a great extent, and the Sulpicien order then decided: "Well, you are not a Roman Catholic, we do not have to support you any more; we do not have to look after your moral and educational problems any more." And with due respect, sir, to the honourable gentlemen, I will say that is not correct. It was not a question of the religion; it was a question of the responsibility on the part of the Sulpicien order; and the Sulpicien order would still be obliged, I believe, to look after the moral and educational support of the Indians.

Mr. SMALL: Does it not stem from the time that they had to move them from their property at that time, and the order gave them some lands that were swampy and not arable; and that is what brought the question to his majesty the French king, and they had to give them lands that were better?

Mr. COLAS: They moved from the Sault au Recollet, which, as you know is on the Island of Montreal, and they were all in close proximity to large communities at the time. You see, the whole problem of the French system of reserves was really in fact for the conversion of the Indians. They wanted to bring them to the true faith, and that was behind the idea of the granting of reserves. They said to the Sulpicien order, just as they did to the Jesuit order in the Caughnawaga case—it was the Jesuit order in the case of the Caughnawagas—in the case of the Oka Indians, it was the Sulpicien order, and they said: "Well, we are going to move your reserve from Sault au Recollet, and we will give you a whole seignory to compensate you for this move." And that is where they established them, in the Lake of Two Mountains. This is to a certain extent the historical background of the Oka reserve.

Mr. SMALL: Is that where the question of law came in, on the transfer whether the religious order had control or not? This seems to establish that it has not.

Mr. COLAS: They had to pass this bill of 1841 which actually was then a British law, and has been incorporated into the statute as it now exists.

Mr. SMALL: They could only be governed by the terms of the capitulation of Montreal. Was it Montgomery or Gage who said it?—who said what the grant was to the Indians, and that they would be governed by them?

Mr. COLAS: That is correct; and the law of 1841, as I said previously, simply completed, if you want, or simply stated what were the obligations of the Sulpicien order.

Mr. HOWARD: As I gather, the purchase by the dominion government in 1945 was, in effect, that this purchased area would be a reserve. Is this the theory behind it? Was that what the thinking was at that time?

Mr. COLAS: That was the thought that the Indians had when the government told them that they would purchase the land in order to avoid any further difficulty with the Sulpicien order. That was what the Indians thought it was, the granting of a reserve. Now, it seems that the Canadian government tends to abolish as much as possible the reserves in Canada, and for that reason they have been told that in the case of the Oka Indians they do not intend to create a reserve, because they say the policy of the Canadian government is to eliminate reserves, and in this particular case they do not want to create another reserve. That is why the Indians at Oka are here today, and that is why they are asking you that this question be settled with the Oka Indians, who are the first interested. They want a reserve there.

Mr. HOWARD: Mr. Chairman, Mr. Colas mentioned that someone in the Canadian government said that it is not now the intention to establish this 1945 purchase as a reserve.

Mr. COLAS: Correct.

Mr. HOWARD: Could you substantiate this by documents?

Mr. COLAS: The only thing is, I have not got the documents in front of me, but I would be glad to supply you with these documents.

Mr. HOWARD: It may be interesting.

Mr. COLAS: Well, Mr. Chairman, I will send it to your secretary, Mr. Slack.

Senator STAMBAUGH: I was wondering what was the size of this area, and the population that you are asking to be made into a reserve?

Mr. GABRIEL: There are at least a hundred different lands on the Oka reserve. The population is about 700, approximately—Indians.

Senator STAMBAUGH: And the area?

Mr. GABRIEL: The original area was $3\frac{1}{2}$ leagues in length, and 3 leagues in depth.

Mr. COLAS: But now?

Mr. GABRIEL: We do not know now how much the boundaries are, since 1945. We have no idea what the boundaries are.

Mr. COLAS: Would you be able to express in terms of English measurements what a league is?

Mr. GABRIEL: A league is supposed to be about nine miles.

Mr. COLAS: Nine miles to a league?

Mr. GABRIEL: Yes.

Mr. COLAS: And the original land of the Oka reserve was, you said, $3\frac{1}{2}$ leagues in length, and 3 leagues in depth?

Senator STAMBAUGH: That includes what was taken out for the golf links?

Mr. COLAS: That includes that, yes.

The JOINT CHAIRMAN (*Mr. Grenier*): I would like to ask Mr. Colas if there is an elected council of the Oka band?

Mr. COLAS: Yes, there is an elected council of the Oka Indians which is elected only by a small portion of the Oka Indians, because most of the Oka Indians—and in this I can be corrected by my friends in the rear—do not recognize the Indian Act.

The JOINT CHAIRMAN (*Mr. Grenier*): Would you tell the committee, then, if you represent the elected council of the Oka Indians?

Mr. COLAS: I represent both, because I have been told by Chief Montour, as well as Mr. Gabriel and others, that they would like me to speak for both of them.

Is that correct, Chief Montour?

Chief JAMES MONTOUR: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Is the representative, the elected representative of the council of Oka Indians here?

Mr. COLAS: Chief Montour is the elected chief, is that correct, Chief Montour?

Chief MONTOUR: No, hereditary chief.

The JOINT CHAIRMAN (*Mr. Grenier*): Will you tell us the name of the elected chief?

Mr. SMALL: They do not elect one.

Chief MONTOUR: The elected chief over in Oka?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Chief MONTOUR: The name you want?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. GABRIEL: James Gaspé is supposed to be the elected one.

The JOINT CHAIRMAN (*Mr. Grenier*): In the Oka group, how many recognize the Indian Act and how many do not?

Mr. COLAS: How many recognize the Indian Act in Oka?

Mr. GABRIEL: Eleven people out of 700.

Mr. COLAS: So they elect themselves?

Mr. GABRIEL: They elect themselves amongst themselves.

Mr. COLAS: And how many are in the council of the elected eleven?

Mr. GABRIEL: All of the eleven.

Mr. COLAS: All of the eleven are on the council?

Mr. GABRIEL: Yes.

Mr. WRATTEN: Mr. Chairman, are the hereditary chiefs the same as on the Six Nations, who claim that they are the rulers of the Six Nations?

Mr. COLAS: They are part of the Six Nations. They are Mohawks. They are the brethren of the Caughnawaga people, who are also Mohawks.

Mr. SMALL: A branch of it?

Mr. COLAS: Yes, a branch.

Mr. THOMAS: Mr. Chairman, I would like to ask the counsel for the Indians, do these Indians claim that they are Canadian citizens, or do they repudiate Canadian citizenship.

Mr. COLAS: They do not claim that they are Canadian citizens. I am sorry—I have to correct that: they claim that they are the only Canadian citizens, the original, they are the true ones, and that all the white people are the usurpers.

Mr. THOMAS: I notice in the brief the word “Canadians” is used in such a way as to indicate that possibly these people did not consider themselves Canadians.

Mr. COLAS: That is correct. You are perfectly right. They say that they do not belong to the Canadian nation because they are second-class citizens and they do not want to rank as second-class citizens. They want to be able to be on the same footing as any other Canadian in Canada. The tribes, from time to time, discuss whether or not they want to be Canadians. At the present time they feel they are frustrated in respect of all the rights and privileges of Canadian citizens. Therefore they cannot and will not accept this citizenship until they will be able to rank at par with the other Canadian citizens.

Mr. THOMAS: In order to have it clear on the record, these people do not recognize that Canadian law applies to them.

Mr. COLAS: That is correct.

Mr. THOMAS: Therefore, they do not recognize any subservience to the Indian Act.

Mr. COLAS: Correct.

Mr. THOMAS: For the benefit of the record, could you explain what position these people do take in respect of the question of nationality.

Mr. COLAS: They consider they are North American citizens and that their brethren to the south of the border are just as well their brethren as those who live across Canada. For that reason they do feel that the tribal customs, tribal laws and tribal traditions should lead them in their day-to-day activities.

Mr. THOMAS: So they claim no allegiance to provincial law, federal law, or, across the boundary, the law of the United States.

Mr. COLAS: That is correct. They claim that actually these laws are forced upon them. They have great respect for the Queen of England who is the Queen of Canada, and believe she is their protector.

Mr. THOMAS: Do these people claim that the protection of the Queen also extends to their brethren who live on the south side of the international boundary?

Mr. COLAS: That is correct. I will qualify that answer. All the Indians who live on what was known as the Canadian territory in 1763 are Indians who have been taken under the care and help of the British crown. In that connection there is the proclamation of 1763 which clearly states that the king of England will support and see that the Indian subjects be protected. They want this to be the law today in Canada. They say the Canadian crown in 1867 took over the responsibility of the British crown and that these responsibilities should be discharged faithfully. That is why whenever there is an encroachment you will see at various times a petition made to the British monarch because they still believe that is their only hope of getting justice.

Mr. THOMAS: Mr. Chairman, in view of this attitude, could counsel explain how the Indians hope to achieve justice from the courts of Canada, the courts of the United States or any other court?

Mr. COLAS: That is why I told you previously, as bluntly as I could that the Indians have lost confidence and faith in the Canadian courts, as well as in the Canadian government officials and the Canadian people. I am speaking of what the Indians think. That is the reason why they ask for an Indian commission that will be formed more or less on an equal basis of Indians and Canadians, for the purpose of hearing their difficulties and trying to render decisions whenever there are problems between the Canadian government, as such, and the Indians.

Mr. THOMAS: Has this group of Oka Indians ever tried to present their case beyond the courts of Canada?

Mr. COLAS: No.

Mr. THOMAS: For instance to the United Nations?

Mr. COLAS: No, they did not. The Oka Indians are very peaceful citizens. They are a group deserving of a lot of understanding and protection. They are very poor. I think the Oka Indians are much poorer than the Caughnawagas, for example. They are a little far away from industrial centers and whenever they want to work they have to move away. Unemployment at the present time is almost general. Yet, I have the example of a young boy who took a trade as a jeweller. He came from Oka. He was encouraged by Mr. Juneau to become a jeweller. Mr. Juneau is present here today. This boy has worked with the best jeweller in Montreal and is a success.

This is an example of what could be done. I will not use the word "integration", because the word "integration", when pronounced in the face of the Indians at the present time simply means assimilation. That is understandable, because they understand that assimilation would be the destruction of their culture and history. This young boy is very proud of being an Indian, and in his jewellery designs will take the Indian traditions and will be able to adapt them to the twentieth century. It is along this line that the problems of the Indians should be considered.

Mr. THOMAS: I wonder if counsel could give us some information as to how widespread is this attitude or concept of nationality among the Indians of Canada? Is it confined to the Oka Indians alone, or can the witness give us some idea as to how widespread it is?

Mr. COLAS: I would say, for example, that not only is it widespread among the Okas, but with the Caughnawagas it is even stronger to the extent that at the present time—I tell you honestly it has been quite a while since I saw them, perhaps six months, but the last time I saw them they were going to the United Nations to have their case heard there. They have the protection of a North American association of some sort. I have been on the legal, not on the emotional side of it. That is what I call the emotional side. That is the unfortunate situation into which we have forced the Indians.

Mr. THOMAS: Does it extend beyond the so-called Six Nations confederacy?

Mr. COLAS: Yes.

Mr. SMALL: Do you hold the same contempt for the United States government that you do for the Canadian government?

Mr. COLAS: Even worse, because the United States has treated the Indians worse than the Canadian government. At least they have had the courage to establish an Indian commission to repair the damage to a certain extent.

Mr. SMALL: Have they done more for the Indians than the Canadian government?

Mr. COLAS: At the present time they definitely have done more. They have an Indian commission. They have paid them \$31 million, in one case, where they were deprived of their lands. They were given back their lands in another instance. These were lands taken over by the Sante Fe Railway Company in one of those, what we call, shady deals.

Mr. WRATTEN: Do these Oka Indians accept the old age pension, the children's allowance and so on?

Mr. GABRIEL: Some of them do; very few of them.

Mr. WRATTEN: You gave an example of an Indian who went off the reserve and trained as a jeweller. Why do the rest of them not do this?

Mr. COLAS: They are not encouraged by the Indian affairs branch. This boy had to come to Montreal and be supported financially. He was lucky enough to know someone who encouraged him.

Mr. WRATTEN: Did the government encourage you to be a lawyer?

Mr. COLAS: No. I am not an Indian, I am a white man.

Mr. WRATTEN: Does the Indian not have the same opportunity? In the area where I live, and there are Indians there, half the people want to come in to town to learn a trade, and it is their privilege.

Mr. COLAS: The present chief of the Caughnawagas wanted to study, after his primary schooling. He applied for a bursary to carry on his studies and was refused. Of course, he is about forty-five now. The thinking in the department has changed now to a certain extent. Once this man had tears in his eyes, as he told me he only wanted to get further education in order to help his people more. When I see these things I feel that since 1867 we have not had a policy that is far reaching and which helps these people to help themselves. They want to take responsibilities.

Mr. WRATTEN: That has been the problem throughout the country. I could not go to high-school after age 16 because I did not have the money.

Mr. COLAS: You must remember that the Indians were placed on the reserves as wards of the crown. A ward is considered as a minor. In the civil code a married woman, a minor, and an imbecile are all in the same boat and are considered as incapable. Being incapable they could not do anything by themselves and they had to be taught and had to be helped.

Mr. WRATTEN: I do not go for that.

Mr. COLAS: I am sorry you do not, but that is the situation.

Mr. WRATTEN: You do not mean they are incapable. There are just as smart Indians as anyone.

Mr. COLAS: I share your view, but I am telling you that legally they are incapable. That is the reason why I believe the Indian affairs branch should have acted as a guardian and have looked after their interests until they reached their majority and were no longer incapable. That is why the Oka Indians say the Indian affairs branch has not fulfilled its obligation. It should have acted as a trustee, a guardian, a person legally vested with responsibility to look after the moral, educational and economic interests of its children. It did not do this.

Mr. WRATTEN: So far as you are concerned the Indian affairs branch is no good at all?

Mr. COLAS: That is so.

Mr. WRATTEN: I asked that question just so that it would be on the record.

Mr. COLAS: I thought I was clear.

Mr. SMALL: What you say may have some merit, but that condition did not always exist. Not very long ago the Indian himself did not want to be educated because he thought he was going to lose his tradition. It is just lately he has come to the point where he wants to be educated.

Mr. COLAS: Until he was exposed to the outside world. But, you know, Indians have contributed to our defence. They have given their best men to our armies. Many of them have died for our country.

They certainly did their share for Canada over a long period of time.

Mr. SMALL: They always have done it.

Mr. COLAS: Yes, both under the French and English regimes.

Mr. HOWARD: Mr. Chairman, I do not think this line of discussion is conducive to what we really are attempting to do. However, I would say that those who argue from the point of view which Mr. Wratten, and perhaps others, have taken, that the Indian has the same economic opportunity, started from the same basis and so on, are entirely wrong. The Indian has not had this equality of opportunity, and never has had it. I do not wish to proceed further along this line of discussion. We may as well do it in the house at some later time. However, I wanted to ask one or two questions.

What is the relationship between the so-called common lands and the area that the Dominion government purchased in 1945?

Mr. COLAS: The common lands do not consist of any of the lands purchased by the Canadian government in 1945.

Mr. HOWARD: Were the common lands part of the original two grants which the privy council has held to be in the hands of the Sulpicien order?

Mr. COLAS: Yes.

Mr. HOWARD: Is the golf course on the common lands?

Mr. COLAS: Yes.

Mr. HOWARD: I understood you to say that the privy council decision, in effect, said that the ownership of the common lands rested in the Sulpicien order.

Mr. COLAS: Yes. However, they said that if we considered the case under English procedure it would be considered a charitable trust, and being so it must be used only for the purposes for which it is given. That is the question which never has been answered. It is a question in respect of which the Canadian government never has asked its attorney general to obtain a decision from the courts.

Mr. WRATTEN: Do these people know what land belongs to them?

Mr. COLAS: Well, they live on the piece of land on which they were living in 1945.

Mr. WRATTEN: How do they separate one neighbour's property from another?

Mr. COLAS: Through tradition. I believe they put a fence up. You have a ticket of location. Is that right, Mr. Gabriel?

Mr. GABRIEL: No. There is a large fence around the Gabriel lands—around the one group of Gabriels. We have only one title to the land.

Mr. SMALL: Is this not a case of jurisdiction between the dominion and provincial authorities?

Mr. COLAS: No; it is clearly federal jurisdiction. As long as there are Indians living on the reserve, that land belongs to the federal crown, and the perpetual use of that land is in the hands of the tribe. But, the minute the last Indian leaves the reserve it reverts into the hands of the provincial crown. The status of the land is attached to the Indian but, the minute he leaves, the federal jurisdiction disappears.

Mr. WRATTEN: Are there any people on this common land?

Mr. COLAS: No. As the name implies, common lands were used by the tribe to raise their cattle, a place to go hunting, and as a play area. They would picnic and enjoy themselves there. In other words, it was a playground for the whole tribe.

Mr. WRATTEN: Has there has been any dispossession of their lands lately?

Mr. COLAS: Yes. I believe it has been taken by the municipality of Oka which, in turn, has rented it to a private club for the purpose of creating a golf course.

Mr. WRATTEN: I am talking about lands upon which the Indians are living.

Mr. COLAS: No, because it belongs to the federal crown.

Mr. THOMAS: Mr. Chairman, I am not too sure of the geography of this location. I understand from the evidence that the property involved is about three leagues by three and a half leagues in size, and that a league is about nine miles. That would make this property thirty miles long and thirty miles wide, which is quite a large area of property. Could I ask two or three questions about that?

Is all this property located in Canada?

Mr. COLAS: Oh, yes.

Mr. THOMAS: How far would this property be located from the city of Montreal?

Mr. COLAS: How many miles would it be from Montreal, Mr. Gabriel?

Mr. GABRIEL: About twenty miles.

Mr. THOMAS: Would the land be of great commercial value for subdividing?

Mr. COLAS: Well, all of it is used by the municipality of Oka. It has been completely taken over by private interests. Do not believe that this reserve is now thirty miles long and thirty miles wide; there is only a very small portion of that which remains.

Mr. THOMAS: Do the Indians receive any income from it?

Mr. COLAS: No, none whatsoever. It has been sold right out by the Sulpicien order to private interests, and it does not bring any income to the Indian.

Mr. WRATTEN: How much land do they have now?

Mr. COLAS: I do not know. The government has not told us.

Chief MONTOUR: There is just enough for a house, or whatever we have. There is an Indian here, then maybe three or four Frenchmen, then another Indian. However, that was all known originally as a reservation.

Mr. THOMAS: Is it the contention of counsel on behalf of the Indians that this original tract of land, thirty by thirty, should be restored to the Indians?

Mr. COLAS: No. We never have had that in mind. First of all, what we had in mind was a proper compensation, either from the Sulpicien order, for not having fulfilled its obligations of educational support and so forth to the Indians, or from the federal government, in lieu of the Sulpicien order. Also, the creation of a reserve on the lands that were purchased by the Canadian government in 1945. Furthermore, if you would allow me to say so, the provincial government even would be interested in discussing with the Indians the possibility of freezing the land which was given to the municipality of Oka by the bill of 1959. They asked me to go and see that member of parliament who was elected in June of 1960, to find out if there was a possibility of an agreement in having a new bill passed in the provincial legislature, which would have the effect of freezing this land so that no pieces of it would be sold to individuals and, therefore, would be used only for the common enjoyment of the white people of the municipality of Oka, as well as the Indians. I believe that this still would be possible, if it was properly presented.

Do you realize that the Indians do not have any money to pay for legal counsel? They had to raise \$50 to pay my travelling expenses here today. They collected an amount over the weekend sufficient to pay my way here, and to pay for my hotel bills. I am not paid for presenting their case. I was asked in December to go and see the deputy minister of municipal affairs in Quebec, but I could not go because the Indians could not afford to pay my expenses. Now, that is the very unfortunate situation, and that is why I say the Indian affairs branch should do this work for them. They should not have to come and ask me to do this work. They have their own people, and they pay them the year round. I certainly am not looking for a job; Dean Scott certainly is not looking for a job. However, they need help and we feel that we should offer our assistance.

Mr. BADANAI: I would like to ask Mr. Colas if educational facilities are available in the municipality of Oka. Have they high school facilities there?

Mr. COLAS: There is only a French high school there.

Mr. BADANAI: Well, you have a high school.

Mr. COLAS: Yes, a French high school. Our Indians speak only English.

Mr. BADANAI: Have any of the pupils advanced to higher education?

Mr. GABRIEL: A couple have advanced to high school.

Mr. BADANAI: But not university?

Mr. GABRIEL: No.

Mr. BADANAI: Are you aware of the fact that there are scholarships for Indian students who wish to continue higher education?

Mr. GABRIEL: No.

Mr. BADANAI: Well, there are.

Mr. SMALL: Mr. Chairman, I think we are becoming sidetracked. I have always understood that if any land was taken away from the Indian they had to supply other land in its place. And, if there was any diminishing of the land, it was done with the consent of the Indians themselves.

Mr. COLAS: That is correct.

Mr. SMALL: I think this is the subject-matter we should be on. I feel that the matter of their education is a problem which can be taken up at a later time.

Mr. COLAS: That is correct.

Mr. WRATTEN: A gentleman at the back said that there was an Indian piece of property, then French properties, and then another Indian piece of land. How does the Canadian government account for that situation?

Mr. COLAS: That question never has been answered for us. We have asked time and time again, and have been told that a decision would be reached shortly, as you will notice from the letter in 1958 which I read to you. We have no answer to that problem, and that is why the Indians are frustrated.

Mr. FANE: Mr. Chairman, there are a number of things I would like to say. First of all, I would like to say that I, personally, am cognizant of the fact that the Indians in Canada have been short-changed throughout. They are being confined to reserves and are experiencing great difficulties. However, there is one matter which I would like to mention at this time. How do we know what we are talking about when we do not know the area of the land in question? We were given the original area, but nobody can tell us how much there is now. How much of it is common area and how much is still retained by the order of St. Sulpice? If Mr. Colas cannot tell us, perhaps an official from the Indian affairs branch could do so.

Mr. L. L. BROWN (*Special Assistant, Indian Affairs Branch*): We have an approximate figure of what they received in grants from the king of France, and we have an accurate figure of what the government acquired in 1945 in connection with the purchase from the Sulpicien order.

Mr. FANE: How much?

Mr. BROWN: About 1,556 acres of what we call "outside the town" land, and then there were an additional 51 or 52 lots which are right in the town, just the same as if they were on Bank street or Sparks street, just ordinary lots, of 50 by 100, or about that size.

Senator STAMBAUGH: Did you say 1,500 acres were purchased?

Mr. BROWN: Fifteen hundred and fifty six was the figure I gave.

Mr. FANE: How large is this common area?

Mr. BROWN: I have no idea. It was not purchased in 1945.

Mr. FANE: Surely somebody can find out how large that common area is that is disputed, because I am sure that a golf course does not take more than half a section at the most. It should not take more than a quarter section. Out west 160 acres is usually sufficient for a golf course, but some of them can stretch a bit if they get the land cheap enough, and 160 acres or even 320 acres would not take too much away. But it does seem that if that were owned by the government and it was supposed to be set aside for a reservation, the settlement by people other than Indians, on what was supposed to be a reservation, does seem very wrong.

I cannot understand the attitude of the Indians in this part of the country thinking they are not Canadians, because they are the original Canadians. They should be very proud of the fact that they are the original Canadians, and the fact that they have perhaps in the past not had all the privileges available to other people in Canada should not deter them now. Because if they want to become Canadians they should work at becoming Canadians and not be happy in retaining the doubtful privilege of still being wards of the government.

I am sure the government at the present time is very, very anxious to help the Indians, wherever they are in Canada, to take their proper place in the economy of the country. I would like, Mr. Chairman, to have someone

tell us before our next meeting the actual areas at present involved. How can we know what we are doing if we do not know what we are talking about?

The JOINT CHAIRMAN (*Mr. Grenier*): We can try to get that.

Mr. KORCHINSKI: Just to follow that up, there was some remark made by a gentleman in the corner, who said there was a settlement or a house in which an Indian is living, and then there is a row of people who are French, and then another Indian living further down. Do these people who are French—or anybody else who may be living there—have title to their property?

Mr. COLAS: We are not too sure. There must be a lot of squatters there. This question has never been clarified.

Mr. KORCHINSKI: These people would just come in and put up a property on the land to which they have no title?

Mr. COLAS: Yes, that has happened.

Mr. SMALL: They would have to have it registered.

Mr. COLAS: Well, they are small houses.

Mr. SMALL: Well, they would either have to have it in fee simple or fee entailed, one or the other.

Mr. KORCHINSKI: There would have to be some sort of description of these lands, would there not?

Mr. COLAS: Well, many people do not have this concept of description of land. When they wanted to pitch their house there, they did so, and the same thing applies on the Caughnawaga. You have many white people come there and build shacks. If there were some Urban regulation or something like that, then it would be possible to avoid the use of what we might call shacks.

Mr. KORCHINSKI: I imagine that if the people settled there are French, they pay some sort of taxes?

Mr. COLAS: No.

Mr. CHARLTON: As long as there is no misunderstanding; I think some statements have been made which perhaps created an impression across the country that the educational system, for instance, is not any good on the Indian reserves.

As far as the land is concerned, I think probably if Mr. Gabriel was correct when he said originally there were $3\frac{1}{2}$ by 3 leagues, which would mean there are about 30 square miles, the difference between that and 1,556 acres now procured by the dominion government, also including some of these lots which apparently have been squatted on by French people who have built houses—that is a matter which I think the courts would have to decide. But to come back to the educational system, I think it would be only fair if the departmental officials here, Mr. Brown, for instance, could say what comprises the educational system on the reserves and off the reserves now. I was interested to know that most of the members of the band there speak English; and you say there are only French schools.

Mr. COLAS: There is a French high school.

Mr. CHARLTON: I wonder if the department could clarify this for us.

Mr. BROWN: Mr. Chairman, I am not familiar with the whole history of education at Oka, but I will say that the Roman Catholic children in Oka attend the Oka Roman Catholic municipal joint school. The Protestant Indian children at Oka attend the Oka Indian day school.

Mr. CHARLTON: That is on the reservation?

Mr. BROWN: Yes, it is in the town, actually—for grade 1 and 2, and after that they go to the St. Eustache Protestant joint school for their higher education.

Mr. CHARLTON: Is there only French being taught in those schools?

Mr. BROWN: I cannot answer that.

Mr. ALEX MONTGOMERY: Both English and French.

The JOINT CHAIRMAN (*Mr. Grenier*): Now, we have heard the point of view of Mr. Colas on those matters—

Mr. CHARLTON: Just further to that, Mr. Chairman, is education available to all the children on the Oka reservation including the district?

Mr. BROWN: Yes, education is available to the Indians at Oka, the same as it is to Indians in any other reserve in Canada, on the same basis.

Mr. CHARLTON: I might say that in the case of our own Six Nations reservation I think no one would argue that the educational facilities there are not as good as or better than the district surrounding it.

Mr. COLAS: You are in Brantford and we are in a part of Quebec.

Mr. CHARLTON: I realize you are not speaking about Indians across Canada, but just for the Oka band.

Mr. COLAS: No, just the Oka band.

Mr. CHARLTON: That is all I wished, to see that no misunderstanding existed.

Mr. COLAS: No, I made it clear we are speaking only for the Oka Indians, and Mr. Gabriel just gave me a letter which was written from Ottawa, December 10, 1941, and signed by the Hon. T. A. Crerar. He wishes me to read a part of that letter, which is a very long one, dealing with the lands of the Okas. At page 3 he said this:

I am informed that the seigniorship was originally divided into twelve parishes and that eleven of them were alienated by the seminary many years ago and that the twelfth, in which Oka is situated, is the only one where any property has been left. I am further informed that in recent years the seminary made further sales of the property, a good portion of which had, up to that time, been considered common lands of the Indians and which was used by them for pasturing their cattle and horses, and as wood lots. You are aware, that the Indians strenuously opposed the latter sale and it is needless to say that they will more strongly oppose any action that may be taken now or in the future to disturb their rights of residence to the remaining unsold lands; that is, to those areas which you now suggest should be purchased by the government for them.

Under all the circumstances, therefore, as minister of the department having control and management of the lands and property of the Indians, and being the guardian of their rights, I cannot, in view of the facts as outlined above, entertain any proposal to purchase for the Indians, lands the legal title to which is in the name of the seminary, but which are subject to the rights and obligations mentioned. On the other hand, it is my duty to notify you as trustees of the seminary that the government expects the obligations placed upon the seminary by the statute of 1841, and as generally defined by the Quebec courts, to be carried out.

It is to be hoped that in these difficult times it may be possible to reach an amicable settlement which would be satisfactory to the Indians. Failing this, I see no alternative but to commence proceedings in the exchequer court under the provisions of section 39 of the Indian Act

or take such other action as may be deemed advisable. I do feel, however, that the matter is one to be settled by mediation and that you, as trustees for the order, will feel disposed to recognize and carry out the obligations of the seminary to the Indians.

As I understand the provincial government is directly interested in the properties of the seminary, I am forwarding a copy of this letter to the attorney general of the province.

The JOINT CHAIRMAN (*Mr. Grenier*): Would you tell the committee whom this letter was addressed to?

Senator STAMBAUGH: Again, he is talking about a reservation. My understanding was that there was no reservation there.

Mr. COLAS: That is correct.

Senator STAMBAUGH: Then there is no reservation.

Mr. COLAS: Unless I am wrong.

Senator STAMBAUGH: Representatives of the department are here at the moment, so, on behalf of the Oka Indians, that is not a reservation.

Mr. BROWN: That is correct.

Mr. COLAS: It is not a reservation, and that is why the Indians want to have this question—and I repeat for the nth time—clarified once and for all, so that they know what their future is on these lands.

Senator STAMBAUGH: Then what you term the common lands is legally the property of this Sulpicien order?

Mr. COLAS: Correct—for the benefit and enjoyment of the Indians. It has to be qualified. It is all property on which there is some obligation attached to it.

Senator STAMBAUGH: Then these other citizens, the French that are situated there, have bought their property, or leased it from this order?

Mr. COLAS: That is correct.

Senator STAMBAUGH: Then these people have a right to be there?

Mr. SMALL: I think when he was talking before, he said the Sulpicien order were charged with the spiritual welfare of the Indians, and they were given the property under that basis.

Mr. COLAS: That is right.

Mr. SMALL: They did not control the property because the Indians were on it, and I can see that this is where the question comes in, of the right.

Mr. COLAS: And you see also, in 1941 the Hon. Mr. Crerar knew that the government could do something, too, to force the Sulpicien order to help the Indians; and now finally in 1945 they purchased the land. What the government thought at the time, I don't know. Maybe they thought they were discharging their responsibility to the Indians, and that it was not the responsibility of the Sulpicien order. But we maintain and we respectfully submit that the responsibility of the Sulpicien order is still existing, and that it should be enforced at the request of the attorney-general for the benefit of the Oka Indians. I think our position is very clear.

Mr. CHARLTON: It would appear that there is no set rule in the case of who owns this land, because the Sulpicien order has sold, according to Mr. Crerar's letter, what originally amounted to 12 lots.

Mr. COLAS: No, 12 parishes.

Mr. CHARLTON: Eleven of which were progressively sold off.

Mr. COLAS: That is right.

Mr. CHARLTON: I wonder if the department officials could give us any idea of what was paid for this remaining 1556 acres, and what were the

circumstances of the purchase, and how much was paid for this by the government at that time in 1945 when it was purchased.

Mr. SMALL: And how was it transferred?

Mr. CHARLTON: From whom was it transferred to the Crown?

Mr. BROWN: To answer the last question first, it was transferred from the Sulpicien order to the Government of Canada. The terms of the sale were the sum of \$1, and an obligation on the part of the federal government to assume arrears of taxes which were owing by the Sulpiciens at that date. I think there were land and school taxes only, and, of course, the figure I have which I will not say is entirely accurate, amounted to \$5,657 at that time; so that was the consideration—\$1, plus that arrears of taxes.

Mr. CHARLTON: The taxes had not been paid on this property?

Mr. BROWN: No, the Sulpiciens were in arrears on taxes.

Mr. CHARLTON: Have you any idea whether taxes were paid on the other eleven lots?

Mr. BROWN: I think it is eleven parishes, and I think these were sold long before this date. This goes back to the mid-1880's, or earlier.

Mr. CHARLTON: By whom were they purchased, do you know?

Mr. BROWN: No—individuals.

Mr. COLAS: Individual Canadians.

Mr. CHARLTON: They now hold a deed to this property?

Mr. BROWN: Yes.

Mr. COLAS: Yes.

Mr. BROWN: It may not have been made entirely clear to all the members present that a great many of these Indian properties outside the town proper are, as Mr. Colas said, situated in such a way that, as you go along the highway, there will be one or two farms of non-Indians, and then a couple of Indian farms, and then a couple of more non-Indian farms. They are not together until you get up into the backwoods, where there are more Indians together in one area. Their properties are contiguous. But they are scattered around and throughout the area of perhaps a couple of miles outside of the town.

In some areas there is a block of perhaps ten or twelve Indian families, and a gap between the next group. They are pretty well interspersed.

Mr. CHARLTON: This is not a block of contiguous lands, this 1556 acres?

Mr. BROWN: No, far from it.

Mr. CHARLTON: And for the reason that it could be purchased from these people who were there?

Mr. BROWN: All the federal government purchased was the lands of the Indians which was occupied by the Indians in 1945.

Mr. THOMAS: Did they purchase all the land that was occupied in 1945?

Mr. BROWN: Yes.

Mr. THOMAS: These lands all occupied by the Oka Indians were purchased?

Mr. BROWN: Were supposed to be purchased. I think there have been arguments that there were some occupied lands that were not purchased. There was attached to the deed a long list of lands that the Indians were purportedly occupying.

Mr. THOMAS: Could this be administered as an Indian reserve?

Mr. BROWN: It could be. The fact that they are not all contiguous does not prevent it being a reserve.

Mr. THOMAS: Is it being administered as a reserve?

Mr. BROWN: No, it is under the legal status of crown land at the present time.

Mr. THOMAS: Owned by?

Mr. BROWN: The federal government.

Mr. THOMAS: Under the crown, in the name of the federal government?

Mr. BROWN: Yes.

Mr. THOMAS: Is it subject to the land regulations or ownership regulations of the provincial government?

Mr. BROWN: No, it would not be subject to the provincial law. It is federal property.

Mr. THOMAS: Then there should be no complications there, as far as property rights are concerned?

Mr. BROWN: No, I do not think so.

Mr. SMALL: You said a moment ago about the Sulpicien order paying taxes. How would a religious body, using the land for that purpose, come to be paying taxes?

Mr. BROWN: I am afraid I cannot answer that question. I believe they were in some difficulties and that was mentioned in the letter that Mr. Colas read, that the provincial government was interested. I think I did hear the story years ago.

Mr. COLAS: At the time the Sulpicien order was on the verge of bankruptcy through bad management of their property, and the provincial government had to take over the property of the Sulpiciens and administer it until they were able to put them back on their feet financially. So that is the explanation why they had some difficulty; and they were so much in arrears in many things, that actually any amount of money at the time was gladly appreciated.

Mr. FANE: Do 700 people live on $2\frac{1}{2}$ square miles, 1,556 acres?

Mr. COLAS: Yes.

Mr. FANE: They certainly did get gypped, did they not?

Mr. COLAS: Yes, I fully agree with you.

Mr. CHARLTON: I should like to ask Mr. Brown one more question. Do not the Indian people living on these lots of what is supposedly referred to as crown land or reserve, not have location tickets to these lands?

Mr. BROWN: No, there have never been any location tickets.

Mr. CHARLTON: Or certificates of possession?

Mr. BROWN: Since the government purchased this land in 1945, the branch has been endeavouring to go through this area, survey all the land, establish that each Indian was entitled to be recognized as the person entitled to live on it, and prepare a proper listing and plan. This has been done almost completely, with the exception of one small area, I believe, and they have been issued a sort of document as this job was completed, which I have a copy of here. It is just a letter, really. It is not a location ticket within the Indian Act. It starts out by saying:

"You are hereby advised that you have been recorded on the departmental record as having the right to occupy and use the area of lot so-and-so, Oka..."

Mr. CHARLTON: What if one of these chaps wanted to sell this property?

Mr. BROWN: He could transfer his interest with the department's consent.

Mr. CHARLTON: Transfer and not get any money at all?

Mr. BROWN: If he has improvements on the land he would be entitled to receive money for them.

Mr. CHARLTON: The same as on a reservation?

Mr. BROWN: Yes, exactly the same.

Mr. CHARLTON: But it cannot be sold to a white man?

Mr. BROWN: No.

Mr. CHARLTON: So this is coming under reserve regulations, then?

Mr. BROWN: It could be sold, presumably, with the consent of the federal government.

The JOINT CHAIRMAN (*Mr. Grenier*): Now, if the committee feels that the line of questioning has been fully covered, Mr. Colas has another point to bring before the committee.

Mr. COLAS: On the point of health and welfare there is a problem I would like to bring before the committee.

On this question of health and welfare, as I said a moment ago, the Indians must live on the reservation to be entitled to be paid their medical expenses. But many Indians sometimes have to go outside the reservation, or what we call a reservation, which is not a reservation, to go and earn a living.

Senator STAMBAUGH: What you call a reserve is this 1,500 acres?

Mr. COLAS: Yes, correct; and yet they should be entitled to receive health and welfare benefits. I have a case of one young gentleman who was in Montreal and he got an acute appendicitis attack. He called the Indian affairs representative and he said: "I have to be placed in the hospital immediately. Will you allow me to go to the hospital?" The Indian affairs agent said, "Yes." He goes to the hospital, his bill is paid by the federal government, and then a few months after they ask repayment by the hospital of the expenses, because they say they have found out later on that the Indian was not living on the reserve at the time and that therefore he must be responsible for the payment of the medical expenses.

All of these frustrating attitudes on the part of the government do create tensions among the Indians, and those things should be avoided as much as possible. That is the reason it should be clarified to the benefit of the Indians, that once they have paid, they should not be asked for repayment of their expenses, especially where they are told by the Indian affairs representative to go into the hospital, and afterwards they renege on their word, and they do not pay the bills. This is a situation which your committee should go into also, because it has been mentioned in 1959, before the committee, by the British Columbia Indians, and I still raise it at this time because this question also should be looked after.

Mr. CHARLTON: Mr. Chairman, I think Mr. Colas said that the Indian superintendent had told him it would be paid?

Mr. COLAS: Told him to go into the hospital and that it would be correct according to Indian regulations. ✓

Mr. CHARLTON: An Indian that was not living on the reservation?

Mr. COLAS: Well, he has his house on the reservation, but he was living in Montreal. It is another Gabriel—Raymond Gabriel. I think that is unfair, when he was told that his expenses would be paid; and once they realized he was outside the reservation, they asked the Royal Victorian hospital to pay back the money to them, and the Royal Victorian hospital said: "What is this? The government is asking to be paid back when they have already paid us." And then, again, he had to have a lawyer, and he had to ask the lawyer, and you will see the amount of correspondence just to settle that question—red tape, red tape, red tape.

Mr. THOMAS: Could the man be considered to be a resident of Montreal?

Mr. COLAS: Well, he was registered with the Indian affairs branch as being an Indian, and he is a Gabriel, and he has a house there. He goes to Oka, but he earns his living in Montreal because he cannot earn a living in Oka. How could you do farming or anything like that on these small pieces of land? How could you earn your living there? It is impossible.

You will now have the pleasure of hearing Chief James Montour.

Chief JAMES MONTOUR: I have an interpreter. I am going to use my own language. I heard some speaking that I did not quite understand, so I thought I could do the same.

Mr. COLAS: Would you come around here and speak loudly, because the reporter must take down all your words.

Chief JAMES MONTOUR (*Through interpreter Alec Montour*): I am very happy to be present at this committee and have the pleasure of being heard. On the question about the land and what Mr. Colas has just been pointing to, we want to have a settlement made to our advantage.

This goes back to the same problem about the lands that the Indians were occupying, or are occupying now. They are very small now, and that is a proclamation made by the two Kingdoms, the French and English, that was stated in the proclamation of 1763 should be recognized and not as it is now, on these lands. Farms that we own now, we cannot make a living on. Since then, no one, not even the children, have been happy or contented in the Oka reservation. We have, of course, asked the Indian affairs branch for assistance, but they have never given any. What we are really anxious about is to have the original boundary lines laid down again. As was stated, these are three leagues by three and a half leagues. We ask that the reservation be returned to the size it was and that a final settlement be made. If that is done everyone will be happy in the future. In regard to the new industries that are springing up in Oka, which are related to the mines, we ask that these be stopped until everything is settled and our demands met. I still say it is a reservation, even though Mr. Brown does not.

After that is settled the chiefs of the Indians will meet with the representatives of those who are at the head of these industries to decide on the best settlement that can be made. Members of the committee should not be surprised that I ask this because it must be remembered that the Indians were the owners of this land before the white man came.

This land was surveyed by the representative of the King of France and it was laid down that the land was for the use of the Indians. Later, representatives of the Queen of England laid down almost the same boundary lines and stated that the land was to be owned by the Indians forever, and not just for a while. A treaty or document was drawn up covering this piece of land and, in the proclamation of 1763, there was an agreement for the protection of this land as a reserve for the Indians.

If the Indians decide they have no further use for the land they will go to the present Queen, that is, the Queen of England, to deal with her, but they have never come to that decision and they never will. We hold this piece of land as our own home. When our great grandfathers came to that piece of land they said they would never move from it and that it was going to be their permanent home. We are still in occupation of it and we ask that the Indian affairs branch produce whatever documents they have dealing with this land so that everything may be settled, once and for all. We are not asking for more than we actually own or possess. We are living on a small piece of land and it is being subdivided amongst the children as they grow up so that none have enough to live on.

Mr. COLAS: That is true.

Chief MONTOUR (*Interpretation*): We believe all this land should come back to the ownership of the Oka band. If that is done we shall all be happy and will have something to which our children and our children's children can look forward.

Returning to the subject of the mines, we would like that whatever is taken from those mines, the metal or whatever it is, would be sold to the advantage of the Indians instead of to that of other enterprises. That is all I have to say, and if anyone wishes to ask me any questions I shall be happy to answer them.

The JOINT CHAIRMAN (*Mr. Grenier*): You can assure Mr. Montour the committee was very happy to hear his remarks and those of his representative, and the committee will give them all due consideration.

Mr. COLAS: Hon. Chairmen, ladies and gentlemen, on behalf of the Oka Indians I wish to thank you very much for the very kind reception you have given us. With your assistance we believe much can be done for the Indians.

The JOINT CHAIRMAN (*Mr. Grenier*): Before adjourning I should like to give the list of appearances for tomorrow, March 15, and for March 16. We shall be meeting in room 176 (F) to hear representatives of the Presbyterian church and we shall meet in the same room on March 16 to hear the Canadian Medical Association.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2



WEDNESDAY, MARCH 15, 1961

WITNESSES:

From the Presbyterian Church in Canada, General Board of Missions

Rev. J. A. Munro, M.C., D.D., Secretary for National Missions.

From the Department of Citizenship and Immigration

Mr. H. M. Jones, Director of Indian Affairs Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman,</i>	Hon. M. M. Fergusson,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. W. A. Boucher,	Hon. R. B. Horner,	Hon. J. W. Stambaugh,
Hon. D. A. Croll,	Hon. F. E. Inman,	Hon. G. S. White—12
Hon. V. Dupuis,	Hon. J. J. MacDonald,	
	Hon. I. Méthot,	

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman,</i>	Mr. M. A. Hardie,	Mr. H. C. McQuillan,
Mr. H. Badanai,	Mr. W. C. Henderson,	Mr. R. Muir (<i>Cape Breton</i> <i>North and Victoria</i>)
Mr. G. W. Baldwin,	Mr. A. R. Horner (<i>The Battlefords</i>)	Hon. J. W. Pickersgill,
Mr. M. E. Barrington,	Mr. F. Howard,	Mr. A. E. Robinson,
Mr. A. Cadieu,	Miss J. LaMarsh,	Mr. R. H. Small,
Mr. J. A. Charlton,	Mr. S. J. Korchinski,	Mr. E. Stefanson,
Mr. F. G. Fane,	Mr. R. Leduc,	Mr. W. H. A. Thomas,
Mr. D. R. Gundlock,	Mr. J. J. Martel,	Mr. J. Wratten—24

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, March 15, 1961.

(3)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Inman, MacDonald, Smith (*Kamloops*), Stambaugh. (6)

The House of Commons: Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fane, Grenier, -Henderson, Korchinski, Leduc, Martel, McQuillan, Small, Stefanson, Thomas, Wratten. (16)

In attendance: From the *Presbyterian Church in Canada, General Board of Missions:* Rev. J. A. Munro, M.C., D.D., Secretary for National Missions. From the *Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs; Mr. R. F. Davey, Chief of Education Division, and Mr. C. I. Fairholm, Executive Assistant to the Director of Indian Affairs. From the *Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mr. Grenier advised that since the brief of the Presbyterian Church in Canada was printed in the records of the Committee on June 1, 1960, as an appendix, the Committee would hear a summary from Rev. Munro and would consider the recommendations listed in the brief.

Rev. Munro made a brief statement and referred to the work of the Presbyterian Church in connection with Indian welfare and was questioned thereon.

The Committee considered the recommendations of the above-mentioned brief individually with Rev. Munro supplying information on various points.

Mr. Jones, Director of the Indian Affairs Branch, also supplied information on a number of related matters.

At 10.55 a.m. the Committee adjourned until 9.30 a.m. Thursday March 16, 1961.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, March 15, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Good morning, ladies and gentlemen. We have a quorum and can now start the meeting. Today we have with us Reverend Dr. Munro, representing the Presbyterian church in Canada. On June 1 of last year the brief of the Presbyterian church of Canada was printed in the record and members of the committee have copies of it. The last three pages of the brief contain some recommendations made by the Presbyterian church to the committee. These recommendations start on page 15, and I do not think it would serve any useful purpose to have the brief reprinted in the record or read again.

Dr. Munro is attending this morning to answer any questions members of the committee would like to ask but, before doing so, he would like to make a brief summary of the brief and present the views of the Presbyterian church.

Reverend J. A. MUNRO, M.C., D.D. (*Secretary for Home Missions of the General Board of Missions of the Presbyterian Church of Canada*): Mr. Chairman and members of the committee, the Presbyterian church in Canada, in common with the other churches in this nation, is of course, much concerned about the Indian situation across the country. Our church, being one of the early churches at work in Canada, has had a long history of relationship with these people and, through the years, has been concerned in ministering to the whole man, that is, to the Indian people not only in the things which are generally thought of as belonging to the preserve of the church but also to the total well-being of these people.

Those of you who know the history of Canada, and I am sure most of you do, remember such names as Robertson and Nesbitt, men who crossed the plains and founded what are now great cities in this country, and who were concerned early about the Indian people. Our brief suggests this background of history with the Indian people primarily, of course, in the area of religion, but also very much in the area of education, health services and welfare. These are all things that have concerned our church as it ministered to these people through the years.

I may say that when this brief was completed last year, certain things we were recommending at that time were apparently in a state of transition. Some of our recommendations have been acted upon and, having read a great many of the briefs presented to this committee, one is conscious of the fact that probably all the points have been covered by other briefs. But we are concerned about the Indian people, and particularly about the understanding of the non-Indian community in Canada.

One other area gives us major concern and that is the one occupied by the part-Indian. In our governmental system and in our handling of Indian affairs we have made and marked definite lines, defining the Indian and the part-Indian. Those who are Indian are the concern of the government, while those who are part-Indian have been, more or less, outside the pale. We feel this is part of the Indian problem and we know that our handling of Indian affairs, primarily for the protection of the Indian and his economic well-being, somehow did not work out, and now we have a system of reserves across the nation, which sets these people apart.

For the non-Indian community to understand what happened to the Indians through the years, one has to be in the mood to accept the Indian folk in all departments of life, and one must also have an understanding of those who are part-Indian, who are citizens of this nation, and who are just as much the responsibility of government and community as is the full-blooded Indian. Indeed, the part-Indians have many problems, probably more difficult in some ways than the full-blooded Indians, and our brief deals with some of these things.

As the Joint Chairman has stated, the brief has been printed and there is no necessity to read the whole of it. But, if there are any questions, I shall be glad to answer them. Before doing so, however, I should like to point out one other thing about the brief, and that is our hope that leadership, real leadership, will be developed among the Indian folk. Anyone who meets the well-to-do Indian, the successful Indian in the life of our nation, can appreciate just what contribution these folk can make to our nation, but we feel that because of the difference in languages—the Indians do not understand themselves when they are speaking to Indians from other areas, and they have had no intercommunication in a real sense—it has been difficult to develop over-all leadership.

Those who are successful in the professions, in commerce and the life of the country, have done a great deal to try to encourage the growth of leadership, and we are hoping that, through the agency of the federal government, area conferences can be arranged by the Indians themselves at community, provincial and federal levels, at which Indians can meet together using a common language, probably English or French, and we hope that these conferences or organizations will develop and give the leadership which is so often lacking amongst the Indian communities.

Very often people who are most vocal are not the soundest or most balanced leaders in a community and, in order to bring the Indians along to the stage at which they will be accepted as full citizens of the nation, it is most essential that leadership be trained and developed.

I may say that when we speak of native peoples we are conscious of the difference in Africa between the Congo and Nigeria, in which countries two different ways of handling the people were taken. Leadership training has meant a very great deal to the stability and acceptance of the people of Nigeria and we feel this is one area in Canada, where the whole nation can be involved in developing leadership amongst this important part of our population.

Turning to the recommendations, I may say that when these were read by John Melling, of the Indian-Eskimos association, he said: "you are just throwing out the whole Indian Act". This was not our purpose at all though, perhaps, it might be a good thing. The recommendations, I might add, have been based on the experience of people working in the areas concerned.

The JOINT CHAIRMAN (*Mr. Grenier*): Would members of the committee like to ask questions on the brief before dealing with the recommendations?

MR. THOMAS: May I ask Dr. Munro what are those problems connected with part Indians? He raised that matter and I should like to hear what the specific problems are.

DR. MUNRO: In areas where there have been large Indian settlements there are sizable communities of part Indians. Sometimes these are mixed through the population and sometimes they are in communities by themselves, in such places as Winnipeg, Kenora, Prince Albert—places where there have been real settlements of Indians, places where there has been a mixture of the races. I am talking about occasions when an Indian man marries a non-Indian, or an Indian woman marries a non-Indian. For years throughout the history of our nation these people have been looked upon as a little less than first-class citizens. Sometimes they have settled in slums, very often in the cities and,

over the years, they have found difficulty in becoming accepted by the communities in which they live, because of their mixed race and because of difficulties in maintenance. Prior to their marriages they have been looked after in a parental way by the government but now they are no one's concern.

Mr. THOMAS: Might I ask, Mr. Chairman, does the doctor know of any specific instances where the Indian affairs branch has failed to take care of these people, within their responsibility?

Dr. MUNRO: Well, Mr. Chairman, the thing is that the Indian affairs branch, through the years, did not have this as a responsibility. This was not their responsibility and so it would not be a failure on the part of the Indian affairs branch. It was a failure on the part of government and the people to recognize that there was a situation which needed attention, and our hope is that the government will take cognizance of this situation in areas where it exists. I am sure all of us are familiar with areas adjacent to towns—mining towns in Manitoba and places like Prince Albert, and such communities as that, where the Indians have actually lived in slum conditions, and no one has been concerned. The municipalities had to give relief, of course, and there are those especially the Indian women who have married outside, who have given up their rights on the reserve by marrying non-Indians, and where their children suffer because of lack of acceptance on the reserves. They have no rights there any more. In the community there has been a race prejudice against these people. I think this covers almost every department of their living.

Mr. THOMAS: Would the doctor not agree, Mr. Chairman, that this is part of a problem that goes far beyond the scope of Indian affairs alone? It is a general problem, and possibly not the particular responsibility of this committee.

The JOINT CHAIRMAN (*Mr. Grenier*): In other words, doctor, your view is that there is a lack of provision in the Indian act concerning reserve Indians?

Dr. MUNRO: Yes, our feeling is that while there is no responsibility here spelled out, that the Indian act and the government of Canada and the people of Canada should be concerned. We are dealing now with Indians. There are, of course, other mixed races in Canada. They have their own problems. We are thinking now of this area of Indians and Indian admixture, and we feel that because of the whole background that we have allowed to creep up and develop in Canada, these people are in an inferior position to start with. We feel that the community and the government should take every measure to give help and guidance.

Mr. THOMAS: Is this matter dealt with in the recommendations we are going to consider now, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, the recommendation on page 16, the last one, recommendation 15.

Mr. KORCHINSKI: Could I ask the witness a question here, Mr. Chairman? Is it your opinion, then, that it should be the duty of government, and perhaps society as we have it, that they should take on this responsibility for these mixed groups or mixed marriages that you may have, and try to improve their standard of life, I mean in a special way rather than just in the normal course that we follow?

Dr. MUNRO: Yes, because these people are what they are somewhat because of the history of Canada and of our handling of Indians. We have worked amongst many people, Chinese, for instance; and there are mixed marriages and problems. But it was not the history of Canada that contributed particularly to that, as in the case of the Indians and non-Indians. That breed community, as it is called, is largely the result of the feeling against them. The difficulties they face are different, I take it, than for instance the mixture of Chinese and non-Chinese. We have contributed as a nation to that cloud that is over them.

Mr. KORCHINSKI: Would you not also say—I am going to illustrate by an example here. I went through my reserve and found a situation where dwellings have been constructed, fairly modern—perhaps a year or two old—and yet they would not live in these dwellings; they would live in a tent adjacent to these dwellings. Do you not think they have perhaps as much responsibility, and at the same time their attitude has to change a bit also? Perhaps our responsibility should be to make them feel confident of themselves to a greater degree. Would you have anything to contribute in that connection, as to what our role should be in this case?

Dr. MUNRO: Chiefly in the matter of dealing with welfare amongst the children. I know this reaches down into municipal responsibility, and we are not trying to be unreasonable about that, but we feel that because of the fact that these people are what they are chiefly through the background of Indian handling, that there should be special consideration for them. And again, we would put emphasis on leadership training and welfare, not in a paternalistic manner, because we think this is an Indian problem. There has been too much paternalism. There should be the development of self-achievement with people who can counsel and be with them. I do not think anyone thinks it would be enough simply to give hand-outs to make these people more self-responsible. Our whole mission problem throughout the world is away from any form of paternalism which has at times burdened missions as such. But these people do need guidance, and they need counselling. When you speak of people who have houses to live in and who prefer a tent, then you begin to see the Indian psychology. It is very difficult.

I have had these people in my home and have read a great deal and studied Indians a good deal, and it has been amazing to learn what the different values and judgments are. It is all part of their background. If we hope to have these people enjoy the rights of full citizenship, then we must see that they are given counsel and the help of particular people who know them, to guide them and help them develop themselves. I do not think we are pleading for any kind of paternalism.

THE JOINT CHAIRMAN (*Mr. Grenier*): Well, we have jumped to the last recommendation in the brief. I believe we should start with the first one on page 15.

Senator FERGUSON: May I ask Dr. Munro if he would say a little more on these area conferences. I think they appear to be a wonderful idea, but are they practical? Is there enough interest between the groups in an area or region that they would come together, or would it be worth while for them to come together like that?

Dr. MUNRO: I believe some of the associations and agencies have had a good deal of success in this sort of thing. It is not long ago since the welfare group in Winnipeg met and brought together Indians and non-Indians. A large share of responsibility in that conference was taken by the Indians themselves. The churches have done a good deal of this. We, in our church, have scattered peoples—Crees, Saulteaux, and Chippewas—and these, of course, speak different languages and have a somewhat different history and background and are at different stages of development. For instance, in June we are again bringing large numbers of these peoples together, where they use the English language, where they have the responsibility of naming the subjects they would like to discuss and sitting down and looking at their situation and how they could better themselves. We have found that out of these conferences have come pretty good leaders.

As I said before, many of the leaders who are most vocal amongst the Indians are not always capable of giving them the solid leadership, which is necessary. We feel that the government, on a larger scale, can encourage this. Anything that is wrapped up in an artificial manner is not going to be

successful, but there are major problems that Indians, I think, could take under advisement. I am sure these would eventually develop into worthwhile conferences. It would give an opportunity for that interchange which they do not now have. The Indians in the Kenora area know much less about the Indians in Prince Albert than we know about the Americans. It is a different world.

Senator FERGUSON: Would there be a basic sympathy between different groups because they are Indians?

Dr. MUNRO: Well, amongst most of them I think there would be. There are those jealousies.

Senator FERGUSON: Among white people, too.

Dr. MUNRO: I was just thinking of that.

The JOINT CHAIRMAN (*Mr. Grenier*): Well, can we start on the recommendations then? Any questions on the recommendations starting on page 15?

Senator FERGUSON: I wondered about No. (4) in recommendation 1, the right to employ people to receive their full—

The JOINT CHAIRMAN (*Mr. Grenier*): We will start with (1). Is there any question on (1), the right to land ownership by individuals?

Mr. FANE: Well, Mr. Chairman, I would like to ask how in the world you are going to have a reserve if you are going to have land ownership within the reserve? The government would not be able to control it. They would be able to sell their land to anybody they wished. If they had title to the land, you would have people who were not Indians buying land and owning the reserve. Pretty soon there would be no reserve, which probably would be a good thing for the people concerned, for they would get out and take their proper place in their own country. But how in the world could you work that within a reserve—individual ownership?

Dr. MUNRO: Of course the very statement here does strikes at the present reserve system. We have been confronted by people who have grown up on reserves, who have left the reserves, have worked, and worked successfully. They would like, for instance, to come back and spend their last years in that area. They have given up all right to it. We foresee this, of course, as gradually doing away with reserves as such, and we think that would be good. An Indian cannot now go back to the reserve—

Mr. FANE: Once he has taken enfranchisement, you mean?

Dr. MUNRO: Yes.

Mr. FANE: We had an example yesterday about these people who used to own an area embracing an area more or less 900 square miles; they are down to 2½ square miles. That seems to be defeating the aims of looking after them. Of course it would be the means of preventing the paternalism you spoke of.

Dr. MUNRO: This land business—I am sure we are all conscious of this from the newspapers—is a pretty complex one, the sale of Indian lands; but we feel the Indians must somehow come to the place where they know what it is to purchase land, be responsible owners, and be treated as citizens and not as somebody different.

Mr. FANE: And the difficulty is, within the reserves, I do not see how at this time they could have the right to individual ownership with title there.

Dr. MUNRO: As I said, these things that we recommend are matters for programming over a period of years. We are thinking not only of the present.

Senator FERGUSON: You mean the ownership of this land would mean that they would be able to sell to non-Indians, or would it be limited?

Dr. MUNRO: Ultimately we would see them as just members of the municipality who would live as anyone else, and would treat their property as anyone else would. I do not think the Indians want this, particularly.

Mr. WRATTEN: The people who were here yesterday wanted a reserve established.

Dr. MUNRO: Yes, we understand that.

Mr. WRATTEN: That is the thought that I took from their remarks.

Senator FERGUSON: Oh yes, that is right.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on recommendation (1)?

Mr. KORCHINSKI: Yes, I have a question—the right to police their own people—is that in order here?

The JOINT CHAIRMAN (*Mr. Grenier*): We are on item (2).

Dr. MUNRO: If we go on to (2), the right of enfranchisement without the loss of property rights on the reserve—this can be dealt with in passing here. In respect of the right of the Indians, so long as there are reserves, I would say that many of the Indians who have gone out and taken enfranchisement feel that they would like to have a relationship with their environment. This is a very peculiar thing, because none of the rest of us have lived on reserves. But this, to them, is the baronial home, and they like to go back. We feel that they should have some right to do that. Having accepted responsibility as citizens and exercised their vote, we feel if they are going to have reserves, they should not be deprived of anything because they have taken responsibility as citizens.

The JOINT CHAIRMAN (*Mr. Grenier*): No. (3).

Mr. MCQUILLAN: What about the right to buy property and sell it as a member of the band? Is he restricted from that privilege?

Dr. MUNRO: Yes, the Indian who buys land outside, along with anything else he does outside, if he retains his rights on the reserve, these things then pass under the care of the department. His wages, land, et cetera, off reserves is administered under the department.

Mr. WRATTEN: I think you must be mistaken there. Surely, if an Indian walked off the reserve and got a job, the department would not step in and—we have some representatives of the department here. I would like to hear from them on this.

Mr. H. M. JONES (*Director of Indian Affairs*): Mr. Chairman, if I understood Dr. Munro correctly, it is his understanding that an Indian's rights off the reserve are restricted, and the department would look after his land or his income. He would not have complete rights off the reserve. If that is Dr. Munro's feeling it is not correct. Once an Indian leaves the reserve, he can buy land, have full ownership of it and sell it. As far as I know, he is a free agent.

Mr. CHARLTON: The band membership would not exclude him from buying land off reserve?

Mr. JONES: No.

Mr. FANE: And buying property off the reserve would not exclude him from being a band member?

Mr. JONES: Absolutely not.

Dr. MUNRO: Is it not right that, so long as he is a band member on the reserve, his business there is in consultation with the agent in the district; and even the land that he might hold possession of off the reserve, and income from it, would be under supervision of the agent?

Mr. JONES: No, he is a free agent, once he leaves the reserve.

Senator SMITH: And by accumulating outside property, he does not surrender his rights on the reserve?

Dr. MUNRO: No, he does not surrender them but he is still under the supervision of the agent.

Mr. CHARLTON: I have a question regarding (3) and (4), which really go together. I cannot understand Dr. Munro's feeling that if a band member, goes off the reserve and purchases his property, his earnings off the property outside the reserve would have anything to do with the department whatever, even though he still retains land on the reservation. That probably would come under departmental jurisdiction—the portion on the reservation, but not that portion off the reservation, as I understand it. And I cannot understand (4), the right of employed people to receive their full income and manage it. I think they have that now, off the reserve.

The JOINT CHAIRMAN (*Senator Gladstone*): How about myself? I have not lost any of my rights on my reserve by buying property away from the reserve, and all the business I have with my equality off the reserve comes under a different category from my business on the reserve. I have to go to the Indian office and do my business in connection with what I have on the reserve; but with what I have off the reserve, I do not have to go to anybody, except that when I am in a town I have to deal with some people.

Mr. WRATTEN: In plain words, being off the reserve you are just the same as any other man?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes, but it does not interfere with anything I have on the reserve.

Dr. MUNRO: If this is in error, it should be withdrawn; but this particular phrase was the result of dealing with the Indians themselves. Their report was that salary, or wages they earned off the reserve came under the purview of the local agent and was in some measure, at least, controlled by the agent. Now, if this is not factual, we are wrong.

Mr. THOMAS: Mr. Chairman, could we just check with Col. Jones? Would it be a fair statement to say that an Indian now has full rights, or the full rights of any Canadian citizen, plus special rights in relation to his status as an Indian? Is that correct—his full rights as a Canadian citizen, plus special privileges as an Indian?

Mr. JONES: Generally speaking, Mr. Chairman, that is a correct statement. There may have to be some reservation—not Indian reservation, but general reservation—in some provinces where the right to consume or have liquor is involved. But there is nothing in the Indian Act to prevent that. With that possible lack of right, provincially, in one or two areas, those are about the only one or two bars to complete citizenship off the reserves.

The JOINT CHAIRMAN (*Mr. Grenier*): No. (5). Any questions on No. (5)?

Mr. KORCHINSKI: I would just like to ask, in what way are they hampered by developing their communities at present?

Dr. MUNRO: For one thing, in respect of the reserves, they have certainly rights and privileges within the community if those communities are so developed that they can progress. What has happened, of course, is that a lot of the reserves through the years were very poor. Roads, power and that sort of thing were not furnished. In our own mission field we have had to bring the power in to the reserves, pay for it to be brought in for our own church purposes, and then it was distributed later to the Indian folk.

Now, while they have a right, there are not the amenities. There is not the kind of climate that allows them to develop. We would hope that those things would be provided in any areas where, of course, these functions are possible—that is, the power and what-not, and the assistance of people

especially trained to help them develop in their own community. This is especially so in the matter of commerce, in their development of their own money-earning prowess. They have, of course, had to change a great deal through the years, because of the lack of game and lack of ability sometimes to farm. They are left or have been left to their own devices very largely, and they have not developed. We are hoping they will not only have the right but will be encouraged by the amenities of the community to develop.

Mr. KORCHINSKI: In other words, Dr. Munro, they do have the right now, but perhaps they do not have the means. Is that what you intend to say here?

Dr. MUNRO: That is more properly so, I suppose. There is nothing to prevent them from developing if the means are there.

Mr. KORCHINSKI: Well, they have the right now.

Senator FERGUSON: They need something to encourage them.

Mr. KORCHINSKI: Well, everyone has their economic difficulties as a rule.

Mr. MCQUILLAN: I would like to ask the witness, does he subscribe to the belief that it is in the interests of the nation to develop several ethnic communities in the sense that you are speaking of here?

Dr. MUNRO: Well, the key word there, of course, is to develop their own communities as communities of Canadian people within the nation. Yes, we do feel that there is a great deal—and part of our belief deals with this—a great deal of Indian lore which is important and has a place in our nation, just as we feel that in Canada the Irish society, the Scotch society, these people—Hungarians and the rest, I think—contribute to our culture and our way of life. Indians also have a contribution to make. This does not put them in a separate group any more than it does the Scottish, but they should be encouraged to develop those things which are part of their tradition—but as Canadian citizens.

Mr. MCQUILLAN: You were using the word “community” in the broader, national sense, not people living in one area?

Dr. MUNRO: Yes, as Canadian people within the nation. I think that is what we mean.

The JOINT CHAIRMAN (*Mr. Grenier*): No. (6).

Mr. CHARLTON: I would like to ask Dr. Munro if, by this number, (6), you mean to break away from the reserve concept, or to retain the reserve as part of the larger municipality?

Dr. MUNRO: Well, this would be done, I should think, in a matter of stages; but the hope is that ultimately the reserve will disappear as such and will be part of the municipality, and that the Indians will be part of that municipality in the regular way. That is, it does envisage the abandonment of the reserve as such.

Mr. CHARLTON: This may be a legal question: Do you think it is not possible to have a reserve as part of the municipality, and still retain their rights as a reserve within that larger municipality?

Dr. MUNRO: I do not know that the rights provide for that. I think this would have to be done in stages. I am not sure what legal right a reserve has as such, to go into a municipality and be governed by municipal government; but this is what we hope will happen eventually.

Mr. CHARLTON: Well, they would still be governing themselves as a part of their larger municipality, and have representation in the larger municipality governing them?

Dr. MUNRO: That is right.

Mr. CHARLTON: They would not be governed by the larger municipality.

Dr. MUNRO: They would be part of the municipal government.

Mr. CHARLTON: But governing themselves within that municipality.

Dr. MUNRO: That is right.

Mr. LEDUC: As of right now, I have an Indian reserve and it is within the boundaries of the town. The town of Maniwaki has been detached from an Indian reserve, but the boundaries of the town of Maniwaki include the same boundaries as the old reserve, about 10 square miles. So far as administration is concerned, the town has nothing to do with the part that is administered by the Indian affairs branch. They have nothing to do on the reserve, but municipally they are the same boundaries. The boundaries of the town of Maniwaki include all the Indian reserve. There are a few white people who own some portion of land on the reserve and have got to pay municipal and school taxes.

Mr. WRATTEN: Do they pay their just share for the magistrates courts, the county courts, and all the rest of it, on the Indian reserve?

Mr. LEDUC: What is that?

Mr. WRATTEN: I asked if the Indian reserves that you are talking about pay for their share of magistrates, the county, and the supreme courts, and all the rest of it?

Mr. LEDUC: No, they pay nothing.

Dr. MUNRO: Our hope is that they become an area of responsibility just as the people in any other municipality, for government and for taxes.

Mr. KORCHINSKI: Did you say taxes?

Dr. MUNRO: Yes.

Mr. KORCHINSKI: How would you suggest that these municipalities would come into this organization? I know at present that some of the municipalities are rather hesitant about it. First of all, they say we do not get any tax from them, so why should we build any roads? And furthermore, if we do so, there are not any votes in there.

What sort of arrangement could you foresee whereby some financial connection, or even voting privileges could be tied in with the municipality, so that you could make this offer to them?

Dr. MUNRO: It would seem to me that through the years you would have to develop them as places where the Indians were willing to have their land subdivided. It is a part of the municipality where they would take rights and responsibilities to support magistrate's courts, roads, and everything else. But ultimately these things should disappear and they would become part of the municipal scheme of things. This is a long range view of the thing, I admit. But it ultimately means that these people will become as other citizens in Canada.

Mr. BALDWIN: In other words, you mean that in due course you envisage political integration at the minor level of municipal government?

Dr. MUNRO: That is right.

The JOINT CHAIRMAN (*Mr. Grenier*): Recommendation number seven?

Mr. KORCHINSKI: The right to police with their own people is an important thing. I have had several unfortunate instances, after the liquor right was granted to the Indians so that they could frequent beer parlors and so on. As a result, there was an increase in the number of Indians who were intoxicated, and, unfortunately, there were several murders.

The town council of the town where these occurrences took place were quite concerned over it, although they had a constable who patrolled the streets. This constable was a little leery as to whether or not he should continue as a constable. First of all, he was alone, and unarmed.

They reached the point where they considered that perhaps they should ~~remove~~ their constable. In discussing this with them, I really advised against it, because I felt that it might produce more trouble than good.

The point is that they felt that perhaps by taking the Indian from the reserve and training him to be a policeman, there might be some merit in it. But are you aware of any instance where they have tried it, and what the result was?

Dr. MUNRO: I do not know of any single instance where there are Indian policemen. The Indians themselves could cover that whole Indian community somehow; but over against a police force there is a sort of community effort, very often, to circumvent the law.

I mean that if someone is in trouble, he is hidden, and that sort of thing; and if children are out of school who should be in school, they are helped by their neighbours to remain out of school. So I think that until the Indian people develop a sense of keeping law and order, we are going to continue with this.

Now, it is quite true that if suddenly you introduced an Indian policeman in a place where liquor is legally offered for sale in the community, he would have trouble. But the experience on this continent and throughout the world is that if people are going to be responsible for law, then they are going to take some responsibility about the enforcement of the law.

Large cities which have negro populations usually have negro police. I think it is the experience of history, that if you are going to have a real responsibility and obedience to the law, then you must commit the responsibility for keeping that law into the hand of the people themselves.

Mr. KORCHINSKI: Do you feel that the Indians, themselves, would be receptive to such an idea? I ask this because I have seen occasions where the Indian has taken the initiative, and has gone out and farmed and really made a success of it. But as a result of that success, other Indians have tended to ostracize him, to leave him alone, and not to have anything to do with him. In other words, they would make it so miserable for him that he would wonder whether he had done the right thing or not.

I wonder if there would not be a similar attitude in the case of policemen, where they would say: "this man is going to tell the R.C.M.P. about us, and about what is going on in the reserve, and that sort of thing."

Dr. MUNRO: Well, education would be a slow process. But I am quite sure there would be a somewhat different background in the matter of policing than there is in respect to economic success. One of the most difficult things for us to understand is this idea of success with respect to an Indian.

The Indian still thinks of his income as game that should be shared by the community. Therefore, if a man goes off by himself and is successful, and if he is not sharing, then he is not fulfilling the general pattern.

On the other hand, in the matter of policing, and such responsibilities, I think it would be different. I think this would be good, and I am sure there are many young Indian men who would do this well. There are a lot of these people who would take it seriously and it would build up some responsibility among them to be for law and order instead of against it.

Mr. BALDWIN: On recommendation number (8)—the right to proper legal counsel of their own choice—would Dr. Munro define this a little more precisely? Does he mean that this should apply to civil and criminal matters,

or does he recommend that it should only apply to those cases in which there is a large issue, in which a band, or a particular group in a band of Indians, requires legal help?

Dr. MUNRO: This was meant to deal more with personal civil cases. Apparently it is the experience of an Indian that if he is arrested, charged and sentenced, the sentence is lighter than it would be for a non-Indian. Something is always given to him, but many Indians on various reservations have often said: "we did not have a good legal representative; we did not have someone to represent us".

We hope that the legal profession will give very serious consideration to this recommendation, with a view to building up within the Indians a sense, not of privilege, but of responsibility. We feel the Indian should be punished just the same as anyone else, and that if he is not guilty he should be released. He will only get that right if he is properly represented by a good legal counsel, and the experience of our people is that he has never had that.

Mr. BALDWIN: The witness referred to civil cases but his statement was largely in reference to matters of a criminal nature, where an Indian is charged before a magistrate or any other tribunal.

Dr. MUNRO: I was thinking more of the extreme criminal.

Mr. BALDWIN: Has it not been your experience that most provinces have what are called legal aid societies, to which an Indian might have recourse if he could establish a case of sufficient merit to justify assistance?

Dr. MUNRO: These are provided for in all provinces, but the Indian who is arrested on the streets of a town is usually dealt with without this kind of counsel being provided, either because of his own ignorance or because what he is charged with is a small matter. Cases of real hardship have been reported to us in which Indians have been arrested and given sentences.

The JOINT CHAIRMAN (*Mr. Grenier*): Is that not more of a problem in the rural communities where legal aid societies do not operate?

Dr. MUNRO: I suppose that may be true. I have not been in any of the cases in Toronto, but in outlying districts it is true.

Mr. BALDWIN: The witness has referred to minor offences but, in my experience, if the offence is one of consequence the Indian department retains counsel.

Dr. MUNRO: That is right.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions?

Dr. MUNRO: Our next recommendation, page 6, paragraph 2 reads:

We recommend that section 108 of the Indian Act be revised so that Indian women who marry non-Indians, and their offspring, the children of unwed parents of Indian-non-Indian relationship, and the enfranchised Indian will not suffer legal separation from the reserve.

This section of the act has given rise to a great deal of hardship and we feel that these people, where in some cases there has been intermarriage and in others there has, perhaps, been no marriage, should not suffer separation from the reserve.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions?

Mr. THOMAS: Is that not left largely to the Indian bands themselves to determine at the present time?

Dr. MUNRO: I believe this is true. Having talked with the people in Brantford I understand that the band can determine such a case but, even where a man has been successful and has economically bettered himself through separation from the band, this sort of thing brings with it a band prejudice against individuals. We have knowledge of cases where women with children

have returned to their band and the children have no rights to school; and the women have no rights because the band say: "nothing doing, you went away and that is that".

Mr. SMALL: In your last remarks you were referring to the enfranchised Indian suffering legal separation from a reserve, but you will find that has been wiped out by legislation just passed.

Dr. MUNRO: I am afraid I know that, but I must repeat that these recommendations were made a long time before this.

Mr. CHARLTON: This matter has been fully discussed and one suggestion was made that we retain the money given to these people from the band funds when they leave a reservation. It was suggested that this money should be retained for a certain period of years in order to allow the individuals concerned to make up their minds as to whether they liked the outside or whether they would come back to the reserve. That was discussed at quite some length last year. Would you suggest that?

Dr. MUNRO: I remember that in the discussions leading to these recommendations this is one which was put forward at that time. It should be achieved. Whether it is by leaving that equity in the band funds or otherwise, we feel the wife and children should not be disinherited.

Mr. THOMAS: Might I ask Colonel Jones or his officials if the recent legislation has changed the whole picture. I am referring to the legislation which makes the so-called enfranchisement so far as the vote is concerned universal among Indians. Is it still possible for an Indian to take his share of the band funds and go through this so-called enfranchisement process. Is what is described here as enfranchisement, outmoded, due to recent changes in the Indian legislation.

Mr. JONES: If an Indian voluntarily applies for enfranchisement now he takes his per capita share of the band fund with him.

Mr. THOMAS: That cuts him off.

Mr. JONES: He is no longer an Indian registered under the Indian Act.

Mr. THOMAS: Therefore he is separated from the band.

Mr. JONES: That is right.

Mr. THOMAS: And all his dependants therefore would be separated from the band.

Mr. JONES: That is right.

Mr. McQUILLAN: This matter of the Indian woman who marries a non-Indian is as laid down in the act now?

Dr. MUNRO: Yes.

Mr. McQUILLAN: Children of an Indian woman unless fathered by an Indian are not considered as Indians under the Indian Act.

Dr. MUNRO: This was right when this was written.

Mr. McQUILLAN: It has not been amended.

The JOINT CHAIRMAN (*Mr. Grenier*): It is still the same.

Senator FERGUSON: Subsection 2 of section 108 of the act reads: "On the report of the minister that an Indian woman married a person who is not an Indian, the governor in council may by order declare that the woman is enfranchised...". It does not say she automatically is.

The JOINT CHAIRMAN (*Mr. Grenier*): The word is "may".

Senator FERGUSON: Yes. Does that always follow? Do they make such an order?

Dr. MUNRO: I believe it is a practice.

Mr. JONES: Yes.

Senator FERGUSON: Does the governor in council always make such an order?

Mr. JONES: Yes.

Senator FERGUSON: It says "may".

Mr. JONES: It comes around to "shall". It is part of the procedure.

On recommendation No. 3.

We recommend the increased co-operation between the federal and provincial governments with respect to the following:

- (a) The education of the non-Indian in school in a course which would provide an understanding and acceptance of Indian and other ethnic groups.
- (b) A probationary period arranged for the Indian who has left the reserve, at the end of which he may choose to return to the reserve without loss of rights and privileges.
- (c) The arrangement of conferences between federal and provincial agencies which are involved in or which are concerned with the well-being of the Indian.

Dr. MUNRO: Here we are asking for increased cooperation. There has been a good deal of cooperation. This is a growing thing between the federal and provincial governments in the matter of education of the non-Indian in school in providing an understanding and acceptance of the Indian and other ethnic groups. We feel this is very important. I may say that during the past year this has been coming to fruition in two areas with which we are concerned. Chiefly in the Kenora area an excellent thing is being done along this line. We are hoping there would be an increased interest, not only where there is an Indian population but generally through our schools. We would hope that the federal government somehow could get the provincial departments of education to plan some course with regard to ethnic peoples, and in this instance of course we are considering Indians.

Canada is a country of immigrants; we all are immigrants. We have had two million and we have these 200,000 Indians. It seems to me there should be something in the curricula which would make people who are born here conscious of the rights of these peoples and particularly, in this instance, with the Indian people. In tribute to the department, the municipality and the provincial government in Ontario I must say that in Kenora we have an Indian residential school where non-Indians are attending the classrooms while the Indian children are at school in the neighbouring public school. This is providing a good climate for understanding in a very difficult district. This is the sort of thing that is envisaged in this recommendation. However, what we have in mind is broader than that, so that in all schools there would be taught a compassionate understanding of all races, particularly in this instance the Indians.

On recommendation No. 4.

We recommend that the Indian affairs branch confer regularly with such agencies as the Indian Eskimo association of Canada in order that research, education of the public, policies, and programs, could be shared between the government and the voluntary agencies in Canada.

Dr. MUNRO: This is what was suggested a while ago. It is very important that we have an overall activity in this area.

On recommendation No. 5.

We recommend that area, regional, and perhaps later, national conferences of Indians be encouraged by the Indian affairs branch; such conferences should be planned, arranged and conducted by Indians.

Dr. MUNRO: I think we have already discussed this.

On recommendation No. 6.

We recommend that the Indian affairs branch should seek the co-operation of municipalities, boards of education, and other bodies concerned with public administration, to invite representative Indians to their meetings.

Dr. MUNRO: This really is leadership training.

Mr. HENDERSON: Mr. Chairman, I come from an area where naturally we have lots of Indians. At one time I was chairman of the school board. They do not ask Indians into the school board. The school board runs the school. We have Indians coming there, and some of the schools are predominantly Indian, like Kelly and Moberley lake. The school board has functioned with good success. In my constituency at a school handled by the Roman Catholic people there are 450 Indian children. It is very successful. There are white children there who go to the school. I think integration is the finest thing that has happened to the Indian. I know it is right. In the Peace River country we have had many instances of boys with Indian blood marrying the girls in the district. They get along fine. I can bring to mind about five cases just recently. They not only married the best girls in the district, but real good girls. This is an uplift to the community. I think in this we are on our way out.

Dr. MUNRO: Chiefly, this is aimed at making the Indians knowledgeable about how school boards are operated.

On recommendation No. 7.

We recommend that the present regional offices and officers should be given enlarged responsibility in dealing directly with the problems of the Indians.

Dr. MUNRO: In respect of this recommendation we hope that the Indians will be involved in the planning. We hope and think this will lead the Indians to want their own better standards.

On recommendation No. 8.

We recommend

- (a) that a program for better conditions on the reserves should be planned in conference with the Indians themselves and with planners who are aware of Indian culture and background; the Indians should be encouraged to enter into a study of the development of their reserves.
- (b) that staff be appointed at the provincial level rather than at the federal level.

Dr. MUNRO: I believe this has been covered.

On recommendation No. 9.

We recommend that liquor legislation conform to the prevailing regulations of the area in which the reserve is located and that there be uniformity of action taken when there are breaches of the liquor laws resulting in non-support of families and other suffering.

Mr. HENDERSON: Again I am at odds with the Canadian government and anybody else. I do not think the Indian was ready for liquor. I am going by what we see every day and what happens in the communities. Last year the Reverend Kelley was here; I argued with him about it.

I have lived with the Indians all my life and I am seventy years old. The Indian was not ready for liquor. I will never change my mind. Look in the jails on Saturday night: who is there? "Mr. Indian". I have had Indians work

for me on the farm. They also work on the oil wells. They will work only for four or five days, then they go to town and get drunk. They just cannot handle liquor.

Mr. BADANAI: I disagree with that. This is a matter of education. I think the Indian has every right to have liquor in his home if he so desires. I do not see how we possibly could discriminate against them by denying them the use of liquor, if it is their wish. I do say, however, that there is room for more education among the older people as well as the young people.

Mr. HENDERSON: I do not think they were ready for liquor.

Mr. FANE: Suppose I was to start drinking liquor; I am not ready for it any more than the Indians. They should have their privileges the same as everybody else.

The JOINT CHAIRMAN (Mr. Grenier): I believe the purpose of the recommendation is that there be uniformity of action taken when there are breaches of the liquor laws.

Mr. McQUILLAN: I think one of the great considerations in dealing with the Indian population is that we treat it as a national problem. It is really a regional and district problem. I do not think you can lay down a rule which would apply to one Indian in one part of the country and have the same rule apply, for instance, to an Indian living in the Queen Charlotte islands. We, ourselves, do not live under that sort of a system, and I do not think the Indians should.

Dr. MUNRO: The intent here is that the law prevailing in the area should apply. I remember when prohibition was done away with there were a good many of my own race—the Scottish—who did not know how to handle it and we had many of them in jail on Saturday night.

Mr. SMALL: Is it not a fact that the Indian is going to get it anyway, whether you like it or not. You might as well let him have it, because if you do not he will buy the swamp whisky or "red eye", as they call it. It is no wonder he goes wild with it.

Mr. KORCHINSKI: As I pointed out earlier, the Indian was permitted to frequent the beer parlour but was not permitted to take it on to the reserve. As a result he did not take it on the reserve, but when he got back to the reserve he was quite inebriated. As a result of his intoxication there have been many difficulties. Somewhere there is a problem which has to be resolved.

Dr. MUNRO: Yes. Of course, with the Indian there is a difference. He is not really punished if he leaves his family to suffer while he goes out and blows all the money he has. When that happens some agency comes in, looks after the family and clothes it.

We feel that over the years the Indians will have to stand on their own feet the same as anybody else if they are to be first class citizens.

Mr. BALDWIN: Have you ever thought of making representations to the provincial governments that they impose fines for breaches of the liquor act, or that there be a reasonably long period in which an Indian might pay rather than go to jail for default.

Dr. MUNRO: I believe this is the practice in some localities. I believe repayment terms are given.

On recommendation No. 10.

We recommend that a much larger staff of nurses and teachers of hygiene or counsellors in health and welfare be provided for work on reserves. This staff should have continued opportunity to serve the people, especially on those reserves which are known to be below the average of good health and living conditions.

Dr. MUNRO: We feel that this recommendation is important. I believe the department of health has difficulty in getting sufficient staff. This is where a great deal of welfare education can be done. We would hope it would be possible to increase the staff.

Our churches, and I suppose all the other churches, have donated nursing staff to this work. They work very closely with the government agencies. In fact recently our nurses have said they think they would be better off working with the provincial government or with the department of health. The staff is stretched pretty far in this area of service. These people get right into the homes and are able to do a great deal in education.

On recommendations No. 11 and No. 12.

Recommendation No. 11

We recommend a continuation of residential schools or hostels for children who cannot well be served by local day schools, whether on or off reserves.

Recommendation No. 12.

We recommend that the practice of removing pupils far from their home community for the purpose of primary or secondary education be discontinued as far as it is practical.

Mr. BALDWIN: Does Dr. Munro think the problem he envisages under recommendations 11 and 12 might be particularly applicable in cases where there are Indians who recently have been nomadic and are not willing or able to make the adjustment to a major center of civilization.

Dr. MUNRO: That is true. We think of the Kenora area where they are a nomadic people. Over a large part of the year the children would be left almost in their wild state if they were not in the residential schools. The picking of wild rice, the hunting and the fishing, takes the people far afield. Also, there is a large area of the population where the children are without parents, either because of death or illegitimacy. For these children the residential school is essential. Certainly in respect of the nomadic people this is important.

Mr. BALDWIN: I take it you advocate the continuance of the residential school practice in those areas at least. Would you say that this would be particularly so if there are white students in the community so that there would be the situation of the white and Indian pupils going to school together.

Dr. MUNRO: Yes. Our thought on education is that the more intermixing we get, the better. The aim of our people in this work is the public school idea of all the people in the community attending. We do see the necessity, however, of having these hostels, at least where the children will be cared for and will be in the proximity of the school.

Mr. THOMAS: Is Dr. Munro reasonably well satisfied with the educational facilities now being provided by the Indian affairs branch?

Dr. MUNRO: In the past ten years this has developed tremendously. Not only are we satisfied, we are thrilled. This always has to be modified if you take particular cases of need. Generally speaking I think the progress made in the last few years has been tremendous. We think the thing which has happened at Kenora is exciting. The local municipality has accepted these Indians into its public school and lets its own youngsters go to the residential school.

Senator FERGUSSON: Would Dr. Munro tell us in which provinces his church is active? Would you be speaking for all provinces in which there are Indians?

Dr. MUNRO: No. Our experience is in Saskatchewan, Manitoba and north-western Ontario.

Senator FERGUSON: Are those the only provinces in which your church is?

Dr. MUNRO: This is our church. Mind you, I lived in Prince Albert and worked in northern Canada, so I know the Indians.

Mr. FANE: You are speaking of the Presbyterian church?

Dr. MUNRO: Yes.

Mr. FANE: That does not embrace the United Church.

Dr. MUNRO: We do not include the United church. We love them and work with them, but they are not part of the Presbyterian church.

The JOINT CHAIRMAN (Mr. Grenier): Are there any questions on recommendation No. 13?

On recommendation No. 14.

We recommend that for Indian students at university or other advanced educational institutions, counsellors should be available at times of depression or uncertainty. These counsellors might be Indians, but certainly people with a thorough knowledge of Indians.

Dr. MUNRO: I feel this is one of our important recommendations. We have had a good many students go on to university and to other advanced training. The common experience has been that at a certain time these students become upset and disturbed. In those cases they do not do well. They have done well and have sufficient I.Q., but at the university they are completely on their own. This applies to youngsters from our residential schools who have had a great deal of paternalism throughout the years. The school has looked after them. If they are in trouble they hike to the schools. The paternalism is very marked. When they go to university and are on their own many of them have trouble when they must use some initiative in things which are not of their experience.

This is something which is very difficult for us to understand. I remember two boys who were at our home. You go to the table at breakfast and say "who is for more coffee?" There is no answer. "Paul, will you have coffee?" He answers "yes, please". "Joe, will you have coffee?" He replies "yes, please". They would not use initiative in that or anything else. They were accustomed to being asked. If you asked them to wash the car, they would say "sure". On the other hand, if you did not ask they would sit and watch through the window while you washed the car.

In university they need counselling and need someone to whom they can turn in the period when they are confused, and have not learned to study in a systematic way. I believe there are some forty-five scholarships provided by the department and only about seventeen taken up. At the same time the churches and other agencies are saying we must provide scholarships for the Indians. Those that are available are not taken up. I feel part of this is due to the fact that in this area there needs to be much more counselling and more concern.

I do not think a large staff is required. The number of students at each university is not large. I believe somebody should be designated to give counselling to these students. Although they have the intelligence they do not have the practical training.

Mr. CHARLTON: In certain university cities it may be possible to designate people who may or may not be enfranchised to counsel these students and to whom these students could go and have a talk.

Dr. MUNRO: Yes. In Toronto we have a number of men who are excellent in this type of work with Indians; but they would need to have it drawn to their attention.

Mr. CHARLTON: If they were made known to the student they could get together and it might help to correct this problem.

Dr. MUNRO: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): I think recommendation No. 15 has been covered.

Dr. MUNRO: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you very much Dr. Munro for your views and contribution to the work of this committee.

Dr. MUNRO: Mr. Chairman, I would like to express my appreciation for the opportunity to appear before this committee. Thank you for your courtesy.

The JOINT CHAIRMAN (*Mr. Grenier*): Tomorrow we will meet in this same room to hear the Canadian medical association.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

THURSDAY, MARCH 16, 1961

WITNESSES:

From the Canadian Medical Association: Dr. Murray S. Douglas, Chairman of the Executive Committee and Chairman of the General Council; Dr. Arthur F. W. Peart, Deputy General Secretary and Dr. A. Hurtig, President, The Ottawa Academy of Medicine.

From the Department of National Health and Welfare: Hon. J. W. Monteith, Minister of National Health and Welfare; Dr. G. D. W. Cameron, Deputy Minister; and Dr. P. E. Moore, Director of Indian and Northern Health Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>)
Mr. J. A. Charlton,	Hon. J. W. Pickersgill,
Mr. F. J. Fane,	Mr. A. E. Robinson,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>)	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, March 16, 1961.

(4)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (Kamloops), Stambaugh—(5).

The House of Commons: Messrs. Badanai, Baldwin, Barrington, Charlton, Fane, Leduc, Martel, McQuillan, Small, Stefanson, Thomas, Wratten—(12).

In attendance: From the Canadian Medical Association: Dr. Murray S. Douglas, Chairman of the Executive Committee and Chairman of the General Council; Dr. Arthur F. W. Peart, Deputy General Secretary and Dr. A. Hurtig, President, The Ottawa Academy of Medicine. *From the Department of National Health and Welfare:* Hon. J. W. Monteith, Minister of National Health and Welfare; Dr. G. D. W. Cameron, Deputy Minister, and Dr. P. E. Moore, Director of Indian and Northern Health Services. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Vice-Chairman welcomed the Honourable J. W. Monteith, Minister of National Health and Welfare, and Dr. G. D. W. Cameron, Deputy Minister.

Mr. Charlton advised that the Honourable Ellen Fairclough was unable to attend today due to illness.

Dr. Murray Douglas was called and after making a brief statement, introduced Dr. Arthur Peart who read the brief of the Canadian Medical Association.

The Vice-Chairman introduced Dr. Hurtig, President of the Ottawa Academy of Medicine.

Honourable Waldo Monteith made a statement and referred to the gradual improvement and development of Indian health services.

Dr. Cameron and Dr. Moore were called and Dr. Moore commented on various sections of the brief presented by the Canadian Medical Association.

The Committee considered the above-mentioned brief page by page and Doctors Moore, Peart and Hurtig supplied additional information and were questioned thereon.

At 11.05 a.m., the Committee adjourned until 9.30 a.m. Tuesday, March 21, 1961.

M. Slack,
Clerk of the Committee.

EVIDENCE

THURSDAY, March 16, 1961.

The VICE-CHAIRMAN (*Mr. Baldwin*): The meeting will come to order. I see we have a quorum. I regret the delay, ladies and gentlemen, but while my heart was here my body was required down at the broadcasting committee, which had been sitting for some time. I use that as an excuse, at any rate.

Today I understand we are to hear from the Canadian medical association. While I mention that, might I welcome here the Hon. Mr. Monteith, Minister of National Health and Welfare, who is here to observe and will be able to stay here for a short time. He is accompanied by his deputy minister, Dr. G. D. W. Cameron, who is also here on behalf of the department.

I am now going to call on Dr. Murray S. Douglas, the chairman of the executive committee and general council, Canadian medical association, who will introduce those who are with him, and then there will be a brief and some comments by one of the association officials.

Mr. CHARLTON: Mr. Chairman, before we proceed I should like to express the regrets of my minister, the Hon. Ellen Fairclough, that she cannot be here because of illness.

The VICE-CHAIRMAN (*Mr. Baldwin*): Thank you, we will make a note of that.

Dr. Douglas, would you like to come up to the front? It is always better to face the enemy, doctor.

Dr. MURRAY S. DOUGLAS (*Chairman of the executive committee and the general council, Canadian Medical Association*):

I would not be facing you, sir.

Mr. Chairman, ladies and gentlemen, it is very pleasant for us to be here, and particularly so in that this is a rather important matter. We feel concerned in seeing that all our citizens are classified as first-class.

It is pleasant for me to introduce to you Dr. Arthur Peart, our deputy general secretary, who has accompanied me and who will read the brief to you.

The VICE-CHAIRMAN (*Mr. Baldwin*): Thank you, Dr. Douglas.

Dr. ARTHUR F. W. PEART (*Deputy general secretary, Canadian Medical Association*): Mr. Chairman, the hon. Minister, and hon. members of the Senate and House of Commons I will read the brief which you have in front of you.

This is the submission by the Canadian medical association to the joint committee of the Senate and House of Commons on Indian affairs.

The specific interest of the Canadian medical association in the welfare of our Indian population relates, not unnaturally, to matters of health. We observe in the Indian Act 1952 that reference is made to health only in chapter 72 (Regulations) where the governor in council is empowered to make regulations.

These are the three items under that chapter:

- (f) To prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable.
- (g) To provide medical treatment and health services for Indians.
- (h) To provide for compulsory hospitalization and treatment for infectious diseases among Indians.

We have not been able to obtain the actual orders-in-council or other instruments issued under these sections but we assume these to be the basic legislative authorities under which the Indian and northern health service operates.

The functioning of the Indian and northern health service represents an area of activity where government responsibility and the private practice of medicine impinge upon each other and where the boundaries are not clearly defined. We understand that the obligation of the Government of Canada to provide health services is stated in archaic language in a number of treaties negotiated in the 18th and 19th centuries and that this obligation is difficult to interpret in terms of current conditions. Be that as it may, there is a widespread public belief which is shared by Indians and Eskimos that health services are in fact a federal responsibility and the public expenditures in this field lend substance to this view.

We desire to seek clarification of certain of the issue, to solicit a clear statement of government policy and to point out certain difficulties encountered by the medical profession in providing health services.

Let it be stated at the outset that the Canadian medical association is aware of the substantial progress which has been made in improving the health of our native populations. The Indian is no longer a member of a vanishing race and the benefits of modern health services have been amply demonstrated in the improved status which he now enjoys. Particularly praise-worthy is the effort to control pulmonary tuberculosis and the gains which have been made in this area serve as a model in the management of a stubborn infection. Canada's doctors and hospitals share the pride of the administrators of the Indian and northern health service in all that has been accomplished.

The concept of the Indian health services as "primarily a public health service directed towards the improvement of the health of the Indian communities" has been stated in the preamble to the schedule of medical fees published in 1954 by the Department of National Health and Welfare. This concept is immediately modified by equivocal statements referring to curative services provided by private practitioners utilizing the department tariff which is predicated on indigency and to Indian patients who are "normally responsible for their medical accounts".

To illustrate the situation as it actually exists, we quote from a letter of a Canadian doctor who has had over twenty years' experience in dealing with Indian patients and whose devotion to their welfare is unquestioned.

It is repeatedly stressed in the I.H.S. directives to physicians that normally the Indian is to be treated as a self-responsible private patient, and that he should be expected to pay all or at least part of the bill himself. I can truthfully say that I have yet to meet an Indian who is even faintly aware of this. It appears that this policy, as outlined in the fee schedule, is revealed only to the doctor. I have had no indication that any of the local I.H.S. nurses or Indian Agency officials have had any instructions regarding these policies. There is a firmly-rooted belief that a Treaty Indian is entitled to free hospital and medical care, and any attempt on our part to convince them otherwise is met with great indignation and ill-feeling, not only from the Indian but from the local I.H.S. nurses and officials to whom he takes his complaint.

The first difficulty, then, Mr. Chairman relates to the identification of Indians whose medical care is a responsibility of the federal government and to distinguish them from those who accept personal responsibility.

In many instances, contractual arrangements exist for the provision of medical care to such patients by a doctor practising in the area of a reserve. When Indian patients chance to consult another doctor, does their entitlement to services at the public expense lapse?

It would appear that medical services to Indians may be furnished by four categories of doctors—

1. Full-time medical officers of Indian health services. We recognize that in certain locations this arrangement is the only one possible. We are concerned, however, that conditions of employment be such as to attract and retain well qualified doctors. In certain instances difficulties have arisen by reason of the fact that physicians so employed are not registered by the provincial medical licensing authority concerned and it is recommended that this basic legal qualification be required as a condition of employment.
2. Private practitioners located in the area of a reserve who have contracted with Indian health services to provide preventive and curative services to entitled Indians who resides on the reserve. Such doctors are referred to variously by Indian health services as part-time medical officers or designated physicians. An arrangement of this sort may be the most satisfactory solution in many situations provided that the terms of the contract are realistic and that remuneration is related to the amount of work actually performed. It is our understanding that many such contracts set an arbitrary maximum of monthly payment to the contracting doctor and we can quote examples where such remuneration is one-third or less of the fees earned at the indigent rates quoted in the Indian health services schedule of fees. Conditions such as this produce dissatisfaction and resentment and in the long run impair the interest of even those dedicated to the welfare of Indians. We are, with some reluctance, prepared to accept that contractual arrangements may be necessary as a substitute for affording Indian patients freedom of choice in selecting their medical attendance but it is our view that the objective of integrating the Indian into the community would be furthered by working towards this freedom. In the meantime a review of the existing contracts appears to be indicated.
3. Private practitioners who have no contractual arrangement with Indian health services but who are nevertheless consulted by Indian patients who have a firm belief that they are entitled to care at the public expense. It is here that the identification of such entitled Indians is most difficult and until entitlement is more clearly stated, and accepted by the Indian patient, misunderstanding will persist.
4. The final category of physician is the specialist who attends Indian patients in hospital or who sees such patients in his office. Referral by doctors in any of the preceding categories is the common procedure and the specialist accepts such patients in good faith and performs an essential service. In this situation also the financial responsibility is anything but clear and such accounts as are recognized by I.H.S. are paid at a fraction of the going rates.

We note with approval that in agreements negotiated with the provinces for universally available hospital insurance, it is required that Indians be enrolled on the same terms as other residents of the province concerned. It is our view that this will serve to overcome many of the difficulties previously encountered by hospitals in relation to Indians admitted as patients and will do much to eliminate the impression that Indians are entitled only to second class care.

In those provinces where a premium system is operative it was our hope that the necessity of coming to a definite conclusion on those classes of Indians whose premiums are a federal responsibility would provide a test which would apply to entitlement to medical care. We learn, however, that in such prov-

inces the premiums are paid by the federal authority on behalf of all Indians and that subsequent efforts at recovery of premium are made among those Indians who are deemed to be self-supporting.

We have presented certain unsatisfactory features of the functioning of the Indian and northern health service as we see them from the viewpoint of the physician in private practice. Much of the difficulty arises from inability to distinguish between Indians who are "wards of the government" and those who are responsible for their own health care. It is hoped that this submission will evoke a clear statement of policy which will permit the ready identification of the two classes.

In support of the need for a ready means of identifying Indians who are entitled to medical care at the public expense, the following extract is quoted from the preamble to the 1954 schedule of medical fees applicable to Indian and northern health service and which is still operative.

"This schedule is a reasonable contribution towards the care of those who would not be able to obtain treatment and should be regarded as a tariff for indigent patients." The medical profession is quite accustomed to contribute its services gratuitously or at reduced rates to the needy and is prepared to do so in the case of indigent Indians. The application of this schedule, however, to Indian patients who are in other respects self-supporting is unrealistic since the schedule itself is much lower than that used by any other department of government.

We are advised that three basic considerations govern eligibility for health services: the Indian must be listed on a band register at an Indian agency, he must be living on a reserve or in an Indian community, or his absence from such residence must not have exceeded twelve months. Instances coming to our attention suggest that these conditions are frequently set aside. Municipal authorities and other officials appear to be firm in their belief that the federal government is entirely responsible for the health care of Indians and responsibility is promptly transferred even in cases which do not meet the criteria of eligibility.

We urge that the criteria of indigency among Indians be much more clearly defined than at present, that the criteria be accepted and applied by all concerned with the care and welfare of Indians, and that the Indian patients be advised of their entitlement. It would appear to follow that Indian patients not classified as indigent would be responsible for their own health care.

Our experience suggests that the administration of Indian affairs in their entirety would be facilitated if a single department of government were responsible through a single minister. The current dichotomy between the responsibilities of the Department of Citizenship and Immigration and those of the Department of National Health and Welfare appears to contribute to misunderstanding and difficulty. It is inevitable that differences in philosophy will emerge where control is divided and that a clear expression of government policy may be handicapped.

Many of the matters here outlined have been discussed with the ministers concerned and with the officials of the Indian and northern health service. Since the outcome of these conversations has been inconclusive, we welcome the study which this joint committee is undertaking and we hope that the outcome may serve to clarify many of the issues in the interests of continued improvement in the health of our Indian population.

The VICE-CHAIRMAN (*Mr. Baldwin*): Thank you very much. May I repair an omission I made earlier and say that Dr. Peart is deputy general secretary of the Canadian medical association. Also, before we proceed with the

question period I would like to introduce Dr. Hurtig, who is the president of the academy of medicine in Ottawa. Dr. Hurtig came in during the reading of the brief. Would you stand up, doctor?

Ladies and gentlemen, as the brief is not broken down into parts, may I suggest that we proceed page by page and, to make for a more orderly discussion, I would ask that when one line of questioning is introduced it be developed until the subject is exhausted.

I am sure that during the course of the questioning the minister and the members of his staff who are here would be glad to co-operate in connection with any matters which may arise.

Hon. J. W. MONTEITH (*Minister of National Health and Welfare*): Mr. Chairman, may I ask permission to say a few words to the committee at this time. My remarks will be very brief. However, as I have a cabinet meeting in a few minutes and must leave, I would ask permission to speak at this time.

The VICE-CHAIRMAN (*Mr. Baldwin*): I wish you would, sir.

Mr. MONTEITH: I would like to say that I am very pleased to have before me a copy of the brief of the Canadian medical association. I think that in the over-all picture it must be remembered that about 1946 the amount of money spent through my department on Indian and northern health services amounted to \$2½ million. Today, 15 years later, it is running about ten times that amount. I think that it should be borne in mind that there has been a gradual improvement and development of this service.

At this time I would like to introduce Dr. Moore, who is the director of our Indian and northern health services. He and Dr. Cameron will be in a position to answer any detailed questions and discuss other matters as the meeting progresses.

May I point out that our approach to this whole matter is that no Indian shall go without the necessary health services. This is one of our prime requisites.

Mr. Chairman, if I may, I would also like to take some exception to the second last paragraph in the brief. When I say that I would like to take some exception, I simply want to say that we are not convinced that this method would be in their best interests. In other words, we feel the Department of National Health and Welfare is well equipped to look after the health services of all those, not only in the Indian and northern health services, but all federal health responsibilities except National Defence and D.V.A., who are accepted as a government responsibility.

May I point out one further thing. As far as the schedule of fees is concerned, there has been a recommendation made for the consideration of treasury board. I will not enlarge on that at the moment, because it has not been finalized, and I do not think I am at liberty to say exactly what it is. However, I think it will be an improvement along the lines which the Canadian medical association have requested. Thank you very much, Mr. Chairman. If I may be excused now, I have this other meeting to attend.

The VICE-CHAIRMAN (*Mr. Baldwin*): Yes, indeed. Thank you very much. I am sure the committee would wish me to express their thanks to the minister for being with us and making this statement this morning. Also, we welcome his officials to our committee. Dr. Moore has been before us on different occasions previously and has proved to be of great assistance to us.

May we proceed now with our examination of the brief. We will commence at page 1 and I would ask that we proceed on the basis as suggested, that when one line of questioning has been introduced we develop it to its completion.

Are there any questions concerning any aspect of the brief, commencing at page 1?

It may be the committee's wish that while we are examining this we might hear from Dr. Cameron, if he has any comments he wishes to make on the brief as presented. His comments might provide a basis for discussion later. Would you be prepared to do that, Dr. Cameron?

Dr. G. D. W. CAMERON (*Deputy Minister, Department of National Health and Welfare*): Mr. Chairman, I do not think there is anything I could say at this time that would help matters. If you would agree, I would like to have Dr. Moore make a general comment in respect of the first page, explain the attitude of the department and, as it were, present the other side to you. May I make that suggestion?

The VICE-CHAIRMAN (*Mr. Baldwin*): That is fine. After Dr. Moore has spoken to us we then could direct any questions we have either to Dr. Moore or Dr. Peart, as the case may be.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services, Department of National Health and Welfare*): Mr. Chairman, members of the Senate and the House of Commons, I will attempt to comment on the first page of this brief, and then try to answer any questions that come to the minds of either members of the committee or representatives of the Canadian medical association.

The first point upon which I might comment is in paragraph 1. There are no orders in council covering this service, except the one that provides for compulsory treatment for infectious diseases. That was put in primarily to make it compulsory to take infectious cases of T.B. from the homes and put them under isolation.

In connection with the second paragraph, there is no statutory obligation whatever on behalf of the federal government to supply medical services to Indians. Of the treaties that are mentioned there is only one, and the only mention in that treaty is of a medical chest. We have had this carefully examined by the Department of Justice. We have no intention of evading medical care of Indians, as parliament decides on that issue when they pass our estimates. They supply us with the funds to care for the Indians. However, a statutory obligation would open the door to many types of practices, and I do not mean practices by the medical profession. It would be impossible to have budgetary control. In other words, if there was a statutory obligation, an Indian could walk into the city of Toronto, or Ottawa, go to the best specialists, run up any kind of a bill in any hospital or receive any type of medical care, and it would be just absolutely beyond our budgetary control. The judgment that was given at the time, which is often quoted as the Mistawassis judgment, referred only to the payment from band funds for certain drugs purchased with band funds without the consent of the band.

There are other cases which have come up in recent years which more clearly define this. One example is the case of where an Indian was in an accident; there was a great deal of insurance involved and the judge ruled that the insurance was payable back to the department which had been expending money on his behalf.

This service is primarily a public health service directed toward prevention of disease and the health of the Indian community. We feel that preventive medicine is our very most important role and, on the other side, we are trying to teach the Indians some self reliance.

We never have pressed for payment of medical accounts, and we practically take it per se that the amount of money that would be collected from an Indian on a reserve, if we attempted to collect from him, would not justify the time and effort involved. Therefore, in practically all cases, we accept the Indian who has his resident qualifications and is a registered member of an Indian band. In administration, it is difficult to know where to draw the

line in connection with what services to give. We supply all prosthetic appliances, hearing aids, glasses, all kinds of expensive dental care and treatment, and there has to be some discretion used and some control kept on it. For instance, we feel that the value placed on anything that is given to most people is exactly what they pay for it. If they get it for nothing, they count it as worth about that. In the cases of dentures and the supply of glasses, we attempt to get a contribution towards it. It may be only \$2 on something that is going to cost us \$50, but if he (the Indian) has had to make that effort, we feel that he values what he receives more than if he gets it as an absolute handout.

In relation to the identification of Indians whose medical care is accepted as the responsibility of the federal government, except in cases of emergency in which anyone is looked after, we do not feel responsible for the payment of medical bills incurred, unless we refer the patient to a specific doctor. A request was made that we should issue, to every Indian, a card that will entitle him to medical attention. I think the hon. members can conceive where that would leave our budgetary control, and I would unhesitatingly predict that we would need closer to \$50 million instead of the \$25 million to pay the bills at the end of the year.

The minister did make reference to an item that is before treasury board now. I think I can assure the members of the C.M.A. that there will be a very marked improvement in the amounts of moneys that are paid. The basis of all this dissatisfaction that has been expressed is on account of our low schedule of fees. We are quite aware of this, and we have made representations to have them increased.

On this question of what is referred to as limited accounts, we are steadily revising any such limits. We find those necessary, because it takes some policing, both with the Indian and with the medical profession. I have seen accounts come in where we knew there was one sick member of the family and five members of the family accompanied them. We then had six separate accounts for one visit, where only one was necessary. That may not be a general practice, but we must have some protection on the budget under which we have to work. This is set on a per capita basis for the number of Indians concerned and an average of what the doctor would earn on a schedule for fees for that group. Then we usually pay extra for major surgery and encourage pre-natal and postnatal examinations. We pay extra for those over any limited accounts system.

I would repeat, under item 3 on page 4, that private practitioners who have no contractual arrangements with our health services, that is, if they treat an Indian who is not referred to them, then they treat him as a private patient, unless he is an emergency. We are obliged to designate physicians who are paid by the crown for this work, and we are paying that one man. If an Indian goes to another man who is not an appointed physician, and if that doctor takes the Indian as a private patient, all is well and good. He is entitled to go to whatever doctor he chooses. But if we are going to pay, we have the privilege to say who shall attend them. This is reasonable. I know one reserve where three-quarters of the Indians in that reserve have their own private physicians and do not use the departmental physician.

In No. 4, if an Indian is referred to a specialist by any of our people, we will pay. Under the new arrangements, which I think will be in effect in the very near future, I think the payment to the specialists will be more acceptable than it has been in the past.

The CHAIRMAN: Excuse me, doctor; I think originally we intended to proceed to a certain area brought up by the association. Now, in the light of your helpful comments, we might have questions directed to you.

Mr. McQUILLAN: I think I am correct in saying that in those provinces where there is a provincial sales tax, the Indians are subject to this sales tax on the purchase of goods, the same as anyone else, whether they live on or off the reserve. In British Columbia that sales tax is provided primarily under what was originally called the S.S. & M.A. act—social services and medical assistance act. That is why the sales tax was provided. They do not get any benefits under the provincial health services as a result of paying those taxes. Is that so?

Dr. MOORE: Yes, they do, Mr. McQuillan. They are all insured under the British Columbia hospital insurance service. Every Indian in British Columbia is covered. There is co-insurance. We guarantee the hospital. If we can collect it from the Indians able to pay, we do so.

We have made requests of people who are in receipt of social assistance, to have Indians treated the same as whites, and it is still under negotiation. So far we have not been successful.

The CHAIRMAN: Are there any other questions from any member of the committee which will deal with any matters referred to on page 1 of the brief?

Mr. MARTEL: I would like to put a question to Dr. Moore. If I understood your remarks, Dr. Moore, it would appear that the northern health services are making efforts to have the Indians realize that they are responsible in some way for their medical care. You stated that when they pay part of this care, you feel they appreciate the service more. In that way, you are trying to educate the Indians along that line. I am wondering, when we are talking about medical insurance plans in Canada, the way I see it, it will do exactly the contrary for Canadians. I mean, we would be taking responsibilities away from the individual, while we are now trying to teach our Indians to take more responsibility to look after their own affairs as much as possible. Right now, the hospital insurance plan is in force across Canada and is available to the Indians. Is the department of northern health services looking after the medical bills, apart from the different insurance schemes across Canada?

Dr. MOORE: Mr. Chairman, in answer to that, I will answer the latter part first. The Indians in every province are covered by the insurance plan. Where a premium system is in effect, we guarantee the premiums to the province. The Indian who is employed pays his own bills as does his co-worker. If he is unemployed and resident on a reserve, we pay the premiums where they are in effect. We also guarantee hospital co-insurance where that is in effect, and we do make some effort to collect co-insurance in all these areas. We consider it more of an educational matter, than a matter of trying to be the bill collector.

On the other point (medical care), whatever plan is adopted in any province, we will endeavour to see the Indian brought under exactly the same regime as is instituted for the rest of the population of the province. That is the stated policy of the minister on this point.

Mr. McQUILLAN: Mr. Chairman, would it be in order to ask questions on fees now?

Senator SMITH: Mr. Chairman, before leaving this matter, Dr. Moore has explained that the department do not press for payment, for instance, for the co-insurance part of the hospital bill, or for payment of items respecting dental service or glasses, but that they are carrying on an educational work; is there any kind of pattern here? What is expected from the Indian on a percentage basis? I would think that if it is practical and possible to arrange, in connection with glasses, hearing aids and such things as that, it would be desirable to have them pay a definite portion—it might be only 10 per cent

or \$2 or something of that kind. Is there some kind of a pattern? Otherwise, if it is just a hit and miss program, I would guess that you recover very little, probably not enough to pay even the cost of correspondence, in trying to educate them to take care of a portion, if they can. Would it be practical or possible to put it on a percentage basis that they would be expected to pay?

Dr. MOORE: Mr. Chairman, actually, in the public accounts report, you will see a very substantial sum recorded where Indians have paid for glasses that were supplied by the department. We have excellent arrangements with wholesale optical companies for the purchase of glasses. We get the Indians the very best price. Before dentures, glasses, and such articles are supplied an Indian, someone must have raised on his behalf an application for special treatment. On that application is recorded the fact that the Indian is expected to pay what he can or what they think they can collect from him. If an Indian is an indigent or a school child, or without means at all, we would meet the whole cost. In some of these forms, it is noted that the Indian should pay the full cost of these glasses, and we recover the full cost from him. In other cases, we recommend that he donate \$2, \$3 or \$5. It depends on the circumstances that the person, dealing with that Indian, judges him to be in. Many Indians offer to pay the cost. An Indian will come to us because, instead of paying \$30 or \$40 for a pair of glasses, he will get a good pair of glasses that are correct for his vision for \$8 or \$10.

Mr. MCQUILLAN: Can I get in on that?

Dr. MOORE: I should not give away my trade secrets.

Mr. MCQUILLAN: On this question of fees; I have heard that complaints in the medical profession have been in areas where there is a very large percentage of the population that is Indian, and if there is one doctor practising in that area in which 50 per cent of the population is Indian and 50 per cent non-Indian, he finds that perhaps 55 per cent of his time is devoted to the Indian, but perhaps 25 per cent or less of his income is coming from them. Now, these doctors say: what am I to do, am I to make an unusually high charge against the non-Indian in the area because they happen to be living in an area where there are quite a number of Indians? I understand from your remarks and the minister's remarks, that there is something new coming up in the way of fees, which is the biggest complaint I have had from medical men.

Dr. MOORE: Mr. Chairman, we have recently dealt with three or four cases, in the Province of British Columbia, it so happens, where this condition did exist, and we have reached a satisfactory agreement with the doctors concerned. I think they had a legitimate complaint. We have now made financial arrangements with them which they have accepted and are satisfied. I must admit that we have been very harsh in our payment of medical accounts. We have gone through an era where we had to do it to carry on the rest of our program, and our major program was to stamp out tuberculosis. We have been ruthless, I will have to admit, in making the dollar go as far as we could possibly make it go.

Mr. MCQUILLAN: I am glad to hear the policy is changing, because it seems to me it has worked a hardship among the medical practitioners in those areas with a high proportion or fair proportion of Indian population. Not only has it worked a hardship on the medical practitioners, but the non-Indian population in the area has had a hardship worked on them, too.

Dr. HURTIG: Mr. Chairman, I would just like to make a couple of explanatory remarks on the area of activity where government responsibility and private practice of medicine impinge upon each other. We realize that there is a problem in administration. We also realize that there is an increase

now in the amount of education that the average Indian is getting. He is beginning to feel that he should have the same rights and privileges as other people, and he says perhaps he should have free choice of doctor, just as other people have. Anywhere the Indian is not satisfied with the free medical service that he is getting, for any of ten thousand different reasons, he goes elsewhere or may even go to a large university centre looking for medical care.

Now, if this is done with the goodwill of the local Indian doctor, the department usually handles it. If it is done without the goodwill of the local Indian doctor—and unfortunately, sometimes the local doctor is wrong—then the department does not take cognizance of the bill.

I have two very good examples of this, one case dealing with a cancer in an Indian from Maniwaki. On the other hand we also do have Indians now, and Eskimos, who are either travelling on their own, or being forced to travel by the government. They are being brought to Ottawa for training purposes, or other places for training purposes; and although they have learned many of the other things about their privileges as citizens, as far as the privilege of ever paying a doctor is concerned, this they have never learned.

Mr. SMALL: There are a lot of white people who have not, either.

The VICE-CHAIRMAN (Mr. Baldwin): Thank you, doctor. It has been very helpful. Are there any other questions which we might say initiate from page one? Can we now see if there is anything on page two? Is there anything there which would invite comment?

Senator SMITH: On page two, down towards the bottom, there are some numbered paragraphs. Under No. 1 there is mention of provincial medical licensing authorities. This paragraph would indicate that the medical service might have in their employ a doctor who, surely, to be in the service must be licensed by a federal authority, or be acceptable in Canada. Do the provincial medical licensing authorities vary in their regulations so that such a doctor may be suitable to practise for the department in one province, but not in another?

Dr. PEART: I do not think there is too much variation, Mr. Chairman, as regards licensing authorities. Our understanding is—and Dr. Moore can check this—that in the past some doctors have been employed by the government who have not had their licence to practise in any province. Only yesterday I checked with the licensing authority in Ontario, and understand that the Ontario licensing authority will accept any doctor for a temporary licence if he has a temporary or permanent licence in any other province. This temporary licence applies for a one-year period. The only point we are making in this first paragraph is that we think all doctors employed by the Indian health service should have a licence issued by a licensing authority.

Dr. MOORE: Mr. Chairman, for employment on a full-time basis with this department it is a prerequisite that a doctor must have a licence to practise in a province in Canada. I may say that in the past, in view of the great shortage of doctors, we did employ a number, usually displaced persons from overseas, whom we never put out on their own. We used them in hospitals, where they worked under supervision. We have assisted some thirty or forty of these men until such time as they could get an enabling certificate so they could write their provincial examinations.

Licensing is a provincial matter. One man in our employ who, in five years, has been assigned to duty in four different provinces, happened to be licensed in two provinces. He did work in two provinces, although he was not licensed in those provinces. Also, we employ a number of doctors from the British Isles and Ireland, all of whom are on the British medical registry and have reciprocity with all but three provinces. They are eligible

for registration and licensing except in Quebec, British Columbia, and Ontario. In those provinces they would have to write the dominion council examination. Some of these doctors are highly qualified men but have been away from university for a number of years. They would find it extremely difficult to write a full set of examinations. They would have to take six months off and study for it. So we feel if a man is licensed in a province, then he is eligible for employment in our behalf; and as long as he does not do private practice and accept a fee for practising, we have a ruling from the Department of Justice that he can be quite legally employed.

Senator SMITH: Is that quite acceptable to the medical profession?

Dr. PEART: I think this point is resolving itself. My information is that the Ontario college which licenses doctors in Ontario will give a temporary licence to a doctor in the position Dr. Moore mentioned, a doctor who is a specialist and cannot write his medical council test, but is confining his practice to a special field. I think this is resolving itself. The only reason for examinations of this kind, Mr. Chairman, is to ensure that the licensing authorities do give some evaluation of the doctor's training. The purpose of licensing authorities, as you know, is to check the qualifications of doctors to ensure that they have had a proper medical education, and that the standard of treatment is going to be good. So I think this point is resolving itself, and that the Indian health service now only take a doctor who has a temporary or permanent licence to practise.

Senator SMITH: In one province.

Dr. PEART: In any one province; and that the licensing authority has checked the qualifications of the doctor, and is satisfied he is all right.

The VICE-CHAIRMAN (*Mr. Baldwin*): Are there any other questions arising from the matters on page two? If not, on page three has anybody any questions, any member of the committee?

Mr. McQUILLAN: Do any of the witnesses have any suggestions in view of the testimony that Dr. Moore has given here, to solve this problem of identification?

Dr. PEART: Mr. Chairman, in view of the fact that Mr. McQuillan has raised this point, I wonder if I could introduce a few examples I have received from doctors. First of all, I would like to make a comment or two about the admission that Dr. Moore made earlier. We are very pleased that the department is instituting the provincial fee schedule instead of the indigent one they had before. I am sure this will be a much more satisfactory method of remunerating doctors. It is the one which most government departments now use, so it will be following the general practice.

I also appreciate Dr. Moore's comment about his department being unduly harsh on the payment of doctors in the past. This is an admission I did not think we were going to get out of him, but it is quite reassuring.

I take exception to this one point which Dr. Moore made, that Indians are entitled to go to any doctor they see fit, at their own expense. The Indians do not know this, and this is the one point we wish to make.

Dr. MOORE: I cannot agree with that. They may say they do not.

The VICE-CHAIRMAN (*Mr. Baldwin*): Let Dr. Peart finish.

Dr. PEART: That is the reason I would like to give some examples from doctors in Canada. We have had a pile of correspondence from doctors who practice with Indians. This correspondence has been accumulated over the

last several years. I want to read a few comments made by some of them, which I think will illustrate some of the points we want to make. This is one doctor who says:

From my own experience in looking after Indians, I might add that doctors admitting Indians to hospital must complete an admission form stating that the Indian is a treaty Indian, and is indigent. The doctor is, of course, completely unqualified to certify to either of the above statements.

And then he goes on:

One other case of particular irritation is the matter of prescribing glasses for Indians. A physician who carries out the refraction for a minimum fee is expected to supply the Indian with glasses at cost. The Indian department will only provide the cheapest of glasses which are frequently in need of repair, and the physician supplying them is expected to service these glasses on which he has made no profit, free of charge.

Dr. Moore has said that Indians can buy glasses cheaply. That probably applies in areas where there is a full-time Indian doctor who is doing a lot of this sort of thing. But the question here in the instances I give refers to the part-time Indian doctor who services a number of Indians, who has to give the same service in his practice as someone else who may have a much greater volume of these services.

I would like to go on and give further examples of this sort of thing. This is in connection with the fees, and refers to a contract doctor who gives an example of a maternity confinement for which the fee is \$25, which he thinks is rather low. He says:

When I submit a monthly account totalling anywhere up to \$1500 at reduced rates I feel that it represents a great deal of work, but when all my accounts are further reduced by the Treasury to a monthly maximum of \$375 for complete medical, surgical and obstetrical care, I feel I have just cause for complaint.

As an example I could cite an incident that occurred in my clinic two days ago. While trivial in itself, it serves to illustrate my point. An Indian and his wife were both given treatment requiring the application of tensor bandages, which I supplied at a cost to myself of \$4.50. Since no one reimburses me for this and as he had just recently told me that he earns an average of \$100 a week contracting for a lumber company, I felt justified in asking him to pay for these bandages. I did not ask him to pay for the treatment. But he became extremely angry, he insisted on his "rights" as a treaty Indian and said that either I could remove the bandages and take them back, or "send the bill to the government". If I were to take the trouble to do the latter it would, of course, be considered as part of my maximum allowance of \$375. Naturally, the Indians finally walked out with my bandages, fuming about the "injustice" and perhaps even questioning my honesty.

He goes on to say that on some of the very few occasions that he has charged Indians they have gone straight to the Indian health services nurse, to complain and have been advised to "go right back and get your money refunded as they have no right to charge you". In other words, here we have an example of a government employee sabotaging the aims and policies of their own department perhaps unwittingly.

I have a number of other examples, Mr. Chairman, which give illustrations of doctors who are on a contract basis, where the fees are minimal. I do not think I will go into too many of these, except to say that there is apparently wide variation in the monthly quotas paid to the doctors. It is my impression that

some doctors feel satisfied with this basis of payment. It would seem that it is the older doctors who have been accustomed to this system of payment for long periods. It is the junior doctors, who are in areas adjacent to Indian reservations, who seem to be the ones who complain about this method of payment.

Then this particular doctor gives examples of some doctors who receive \$125 a month, and two or three instances where doctors are doing \$1,000 worth of work and receiving only \$187.

The VICE-CHAIRMAN (*Mr. Baldwin*): Dr. Moore wants a chance to comment on that, but possibly before he does so, are there any questions?

Mr. SMALL: Just on one of these examples: you said an Indian came in and admitted he was getting \$100 a week.

Dr. PEART: Yes.

Mr. SMALL: Was he living on the reservation?

Dr. PEART: I believe so.

Mr. SMALL: Or was he living outside?

Dr. PEART: I think he was a treaty Indian, sir; I do not know, but this was an example where an Indian was getting paid and he did not accept any responsibility for paying anything at all.

Mr. SMALL: Of course, if he was getting \$100 a week, regularly employed, or just for a couple of weeks, it might have some bearing on it. Senator Smith has pointed out that he could pay some percentage, depending on what he earned, and whether he was working steadily or not.

Dr. PEART: I think the only point we want to make in this brief is that the Indians do not appear to know, or do not accept the fact that they are to pay anything. Perhaps the factor of human frailty arises, but maybe there is a need to educate the Indians.

Mr. SMALL: This fellow if he gets paid \$100, is not being paid that if he does not do anything. He must have some intelligence, and would be in possession of some kind of information on that.

Dr. PEART: We have another letter about the same thing. This is in Alberta, where Indians have oil and gas from oil property. Even so they do not want to assume responsibility for paying their accounts.

Mr. THOMAS: Mr. Chairman, may I ask the witness, has he any idea, or have they formed any idea of what percentage of the Indians at the present time across Canada would be in a position to take care of their own medical expenses, or could rightly be expected to?

Dr. PEART: We have not, sir.

Dr. DOUGLAS: Dr. Moore may have some ideas on this point.

Dr. MOORE: Mr. Chairman, this matter was the subject of a conference about a year and a half ago between the two ministers involved and the two directors (Indian Affairs Branch and Indian Health Services). While we firmly believe in this policy of making the Indian pay where he can, we were asked at that time—and we have since carried out this policy—to try to educate the Indians to accept some responsibilities.

The Indian believes, and is most vociferous in his belief, that it is a federal responsibility to give him full medical care—glasses, dentures, hearing aids et cetera. He thinks he is entitled to them all. We are consistently telling him he is not so entitled. We have made a lot of progress in this matter of supplying these things that were not essential but still necessary for his health, and in getting him to contribute to them. That is one phase of the education.

To answer the specific question, I would say that across Canada in the more remote bands, it is not worth while making an attempt to get them to

contribute, because they have not got it. But certainly in places like Caughnawaga, and those oil reserves in the West, practically the whole band can carry their own medical cost. On some reserves they are carrying a fair amount of it. We have got the Sarnia group under hospital insurance and physicians and surgeons coverage, and they are contributing a good share of the cost of that. We are endeavouring to do this with other bands.

In other words, let us say that in the settled parts of the country easily 50 per cent of the Indians could meet their own hospital premiums, take out some form of medical insurance and pay for it. Some of them are under medical schemes on payroll deduction. Not infrequently we find that they have been in hospital, run up surgical bills, got the cheque from their insurance, kept the cheque, and had us pay the bill. It is very difficult, from an administrative point of view, to bill this man who is making \$100 a week and refuses to pay. If the doctor had billed for things supplied, we would have paid it. If he had taken the trouble to write us that letter instead of you, he would have been paid for his bandages. Similarly, the man who complains about supplying glasses—we do not ask doctors to supply glasses. We ask them not to. We ask them to give us a prescription. He knows the fee he is going to receive for an examination or a refraction. We do not ask him to supply glasses. We ask him to supply only a prescription. We get the glasses and supply them. In that way we have a chance to collect something from the Indian and, thereby, reduce the cost. We do not ask him to pay for the examination, but ask that he pay something toward the cost of the glasses.

Mr. SMALL: As soon as one Indian is getting something "buckshee" you are not going to be able to stop others from attempting to do so. The fellow who has money feels that he has the same right as the other fellow, and you cannot blame him for taking that attitude. Of course, that is a matter for us to solve, and it will have to be worked out on a percentage or some other basis later on. It is like second rate citizens who are treated differently. Naturally, there will be some, who have the money to pay, who will say that they want to be treated the same way and should not pay. But, in talking about P.S.I. and Blue Cross, I am not talking about the Indian but about the individual who subscribes to those plans. There is a price schedule on those contracts. They have the right to go to their doctor of choice and, when they come out of the hospital and receive the bill, there is no relationship whatever to the prices as set out on the schedule and the bill he receives. Before the government took it over, the schedule set out a fee of \$10 for the operating room and \$10 for the anaesthetist; but when you received the bill it was \$20 in each case. Of course, you do not question it. However, my point is that some cannot afford to pay it and, if they do, they find themselves financially crippled after they come out. I merely mention these things as the matter of fee schedules is mentioned in the brief. When a man goes into hospital to have an operation he does not call for tenders. Although he wants the best man to perform his operation he is not always successful in obtaining him. The doctor's rate for the operation is set in accordance with his experience and ability, and he expects to be paid what he is worth.

Mr. THOMAS: Mr. Chairman, if I may, I would like to ask Dr. Moore a question. As a foundation for the question, I might say that the medical association has brought to light a very important point. I gathered from Dr. Moore's remarks that there was no question about looking after those Indian bands in the backwoods, because they are all right. Again, we will take a band, like the one he mentioned in Sarnia, where there is no question about the ability of the band to pay. They are all right. However, I know the Caradoc reserve in my constituency, and some of them go over to Detroit and earn high wages. However, most of them are not subject to this high wage rate, and there is a constant conflict between those who should pay or help to pay their own way

and those who cannot rightly be expected to help pay their own way. This is my question. Would it be possible to put this matter of eligibility on a band basis rather than on an individual basis, so that all members of a band or a reserve would be treated alike, it then following that the fellow who has the initiative to get out and improve his position does not have to feel he is being discriminated against when he secures medical care. I think that if it could be put on a band basis in some way it might be of assistance in solving some of these problems.

The VICE-CHAIRMAN: Have you any comment Dr. Moore?

Dr. MOORE: Mr. Chairman, before Mr. Thomas brought this matter up, I was intending to say that the only place where we have any success is where we can deal with a band as a whole. May I say that we have been reluctant to use, let us say, compulsion or drastic measures to force a band that just simply will not pay. I mentioned a band in Alberta who had a large number of producing oil wells; they receive a very large monthly dividend cheque for every man, woman and child in the band, and they refuse to pay. There is a hospital on that reserve, a full-time doctor and two public health nurses. Even when some of their members are employed away from the reserve and fall ill, the band will not accept those charges, and we have to pay. If we were given some instructions on this point it would be of assistance to us. To date it has been only an educational approach in trying to persuade them to pay. However, if we were in the position that we could say: pay or you will be without medical services, we might be able to force their hand. However, where you have to go and persuade them to pay from their own funds something they know that other bands are getting free, it creates difficulties. The Caradoc band have practically no band funds and, in that case, where is the money coming from to cover these things?

Mr. THOMAS: I know it is a source of endless dispute in that area.

Dr. MOORE: When we can, we keep a full-time medical officer there. It has been a difficult post to fill because they are a hard bunch with which to deal. Also, we keep two public health nurses there, and we have an excellent relationship with the Victoria hospital in London.

Dr. PEART: I very much like the suggestion made by Mr. Thomas about the setting up of a system whereby Indians can pay something to their own health services. I think it is a very good principle, and it is introducing them to citizenship in this country, which is our main objective.

If I may, I would like to raise one other point. Although Dr. Moore may have answered this in part, there are a number of examples among the doctors of Canada who are on contract and who have not been paid sufficiently. I would like to read you one letter here, which will exemplify my point:

My partner and I inherited a poor working agreement between the department and the doctors formerly having this practice. For the past one and a half years we have attempted to negotiate with the department to bring the payment for Indian care at least in line with S.A.M.S. payments, and-preferably in line with the B.C. division fee schedule. In this regard we have been singularly unsuccessful. At present we are theoretically being paid according to a fee schedule set by the department of Indian and northern health services. However, a maximum limit is placed on our earnings, this limit being \$437.50 per month. In this area we have approximately 1,100 Indians under our care, and we very frequently find that the monthly value of our services per month runs to \$1,500, as calculated on the B.C. division fee schedule.

I have quoted just one example, but there are more than a few very highly dedicated doctors in Canada—perhaps you could call them missionaries—who have given their whole lives with little remuneration in return,

We have another letter here from a doctor in northern Manitoba, who says he has been paid \$60 a month for the past 45 years. He has not complained and, in fact, he has used some of his earnings to buy medicine for Indians. However, his main problem is a pension. He has not been able to save enough money to provide for his future. He would be willing to get along on the same amount of \$60 a month which he and his wife receive, but he wants a pension.

The VICE-CHAIRMAN: Are there any other questions on page 3?

Mr. FANE: Mr. Chairman, would this be a proper place to ask about any arrangements which have been made for the Indians on reserve who have only a public health nurse in attendance. They do not have professional medical attention, with the exception of the public health nurse, who is there from nine to five. After five o'clock they do not have anyone. And, if someone becomes sick during the night there is no one to look after them. They do not have transportation on the reserve. In making my remarks, I am thinking particularly of the Saddle Lake reserve.

The VICE-CHAIRMAN: In connection with your question, Mr. Fane, ultimately the departmental officials will be back with us to deal with these various matters. If this is a matter which would involve the Canadian medical association, that would be different. However, I think Dr. Moore and his staff will be back here to go over the details of matters such as those which you have raised.

Mr. FANE: I can wait until another meeting, because those people have waited a long time already.

Mr. SMALL: Mr. Chairman, there is one point I would like to raise. It is in connection with number 4 on page 3, which reads as follows:

The final category of physician is a specialist who attends Indian patients in hospital or who sees such patients in his office. Referral by doctors in any of the preceding categories is the common procedure and the specialist accepts such patients in good faith and performs an essential service.

How are his fees taken care of in so far as the department is concerned?

Mr. McQUILLAN: For Mr. Small's benefit, Mr. Chairman, I think that already has been discussed. It was pretty well covered.

The VICE-CHAIRMAN: Thank you.

Dr. MOORE: To reply briefly again, I might say that they are paid, but at the old schedule rate. The doctors were not satisfied and I think that the new schedule which will be coming into effect will go a long way toward meeting the point mentioned there.

The VICE-CHAIRMAN: Are there any questions in connection with page 4?

Dr. PEART: There is one point, Mr. Chairman, which I would like to mention, and it has to do with the second last paragraph. I think Mr. Monteith must have misunderstood this paragraph. The only point we want to make here is that because of the lack of understanding on the part of the Indian for his entitlement to services, we feel it might be more useful to have the whole administration for health and welfare put under one department, so that the same policy will be provided by one. This point has been mentioned several times this morning. The Indian does not seem to know what he is entitled to, because you seem to have one group of officials telling him one thing and another group something else. If the same policy could prevail where the Indian was made self-sufficient, as far as possible, it would be very beneficial, and that is the only point we wanted to make here, sir.

Dr. MOORE: May I comment on that?

The VICE-CHAIRMAN: Proceed.

Dr. MOORE: In the first place, I cannot agree that most Indians do not know, because they do. They do not want to accept it and they use various types of arguments to get out of it.

I spoke very forcefully once before when I appeared before this committee, when I said that I deemed it a necessity that all the health services be under the department of health. We supply health services to several government departments, such as the Department of Transport, Department of Northern Affairs, the Department of Citizenship and Immigration, the Northwest Territories and the Yukon. I am speaking now of my own service, and I think Colonel Jones will vouch for the fact that our relationship is every bit as good as if we were a branch within the same department. We have inter-departmental meetings right across the country. We keep together and we find no difficulty whatsoever administering under the two departments.

The VICE-CHAIRMAN (*Mr. Baldwin*): If there are no further questions on this last page of the brief, before we adjourn may I, on behalf of the committee, express our gratitude to the officers of the association who appeared before us, Dr. Douglas and Dr. Peart and also, of course, to Dr. Hurtig of the academy of medicine, Ottawa. We appreciate their coming here and I am sure what they have said has been of great interest to members of the committee.

Before we adjourn may I call the attention of the committee to the fact that the next meeting will take place on Tuesday, March 21, in room 356(S), at which representations will be made by the Newfoundland government.

Dr. PEART: It has been a great pleasure to be here and we deeply appreciate the opportunity of appearing before the hon. members of the committee.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, MARCH 21, 1961

WITNESSES:

Mr. Walter G. Rockwood, Director of Northern Labrador Affairs, Province of Newfoundland; and Mr. H. M. Jones, Director of Indian Affairs, Department of Citizenship and Immigration.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

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Hon. D. A. Croll,	Hon. F. E. Inman,	Hon. G. S. White—12
Hon. V. Dupuis,	Hon. J. J. MacDonald,	
	Hon. I. Méthot,	

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman,</i>	Mr. M. A. Hardie,	Mr. J. J. Martel,
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Mr. J. A. Charlton,	Mr. S. J. Korchinski,	Mr. E. Stefanson,
Mr. F. J. Fane,	Mr. R. Leduc,	Mr. W. H. A. Thomas,
Mr. D. R. Gundlock,	Mr. H. C. McQuillan,	Mr. J. Wratten—24

Quorum—9

M. Slack,
Clerk of the Committee.

CORRECTION—(*English Copy Only*)

PROCEEDINGS No. 2—Wednesday, March 15, 1961

On Page 50—Line 6 should read:

“arm their constable.”
instead of
“remove their constable.”

MINUTES OF PROCEEDINGS

TUESDAY, March 21, 1961.

(5)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Inman, MacDonald, Smith (Kamloops), Stambaugh—(6).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Charlton, Fane, Grenier, Henderson, Howard, Korchinski, Leduc, McQuillan, Robinson—(12).

In attendance: *From the Province of Newfoundland:* Mr. Walter G. Rockwood, Director of Northern Labrador Affairs. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director of Indian and Northern Health Services.

Mr. Korchinski requested that a correction be made in No. 2 of the Committee's Proceedings. (*See inside of cover page*).

Mr. Walter Rockwood was called and after making an introductory statement, read a brief on the Indians of Labrador referring to administration, economic conditions and social factors, and was questioned thereon.

Mr. Jones, Director of the Indian Affairs Branch, also supplied information on various related matters.

At 10.30 a.m., the Committee adjourned until 9.30 a.m. Wednesday, March 22, 1961.

M. Slack,
Clerk of the Committee.

EVIDENCE

TUESDAY, March 21, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): The meeting is convened.

Mr. KORCHINSKI: Mr. Chairman, I have a correction to make in the minutes of the meeting on Wednesday, March 15, on page 50, the sixth line, I am reported to have said:

They reached the point where they considered that perhaps they should remove their constable.

I said that—

—perhaps they should arm their constable.

The JOINT CHAIRMAN (*Mr. Grenier*): We have with us this morning Mr. Walter G. Rockwood, director of northern Labrador affairs of the province of Newfoundland. Mr. Rockwood has already produced his brief. I will ask him to read it to the members of the committee.

Mr. WALTER ROCKWOOD, (*Director of Northern Labrador Affairs, Province of Newfoundland*): Ladies and gentlemen, before I go on to the brief, I would like to say that you should not expect anything great. The division of northern Labrador affairs is a branch of the provincial department of public welfare which handles certain special problems among the Indians and the Eskimos. We do not have any responsibility for health, education, law enforcement and conservation; I mean game laws. Our work is concerned, as I said before, with special problems. We operate stores and radio-telephones. We try to keep the fisheries and other local industries going, and our men handle welfare services.

I think I should add here that we have no professional people on our staff. We are only men with practical experience. Most of our men have had a number of years experience in the field, but we are not men with professional qualifications.

I might say here that this brief was prepared in December, 1959. Since then the Indians have probably increased to 370, or about 370.

I think that I will now go on to reading the brief. There are approximately 360 Indians living in two groups in Labrador at the present time. The largest group, regarded as Montagnais, numbering 262 persons, live at North West river. A smaller group of approximately 100 Naskauppees live at Davis Inlet some 160 Miles farther north. Both groups belong to the Algonkian family of eastern North America. In general the Montagnais occupy the well wooded country draining into the Gulf of St. Lawrence and the Atlantic as far north as lake Melville. The Naskauppees keep to the more sparsely wooded country farther north but seldom if ever go beyond the tree line.

Until comparatively recent times there was a great deal of contact between the Davis Inlet band and other bands in the Ungava district, and in fact the parents of some of the present day Davis Inlet people migrated from the Chimo district. Likewise, from time to time members of the Seven Islands and other groups along the north shore of the Gulf of St. Lawrence have joined the North West river band. Some families have moved from Davis Inlet to North West river in recent years, but in most cases one or more members of these families have had tuberculosis and were more interested in being near the hospital and medical facilities than in amalgamating with the North West

river group. Both the North West river and Davis inlet groups consist of smaller, more or less well defined groups or bands, as can be seen when they break up for departure to their traditional hunting grounds. There is no evidence, if the Davis Inlet and North West river groups as presently constituted are taken respectively as representing the Naskaupee and Montagnais, that the former are inferior.

The Labrador Indians have had contact with Roman Catholic missionaries from very early times, and all with the possible exception of a few who migrated from the Chimo district are Roman Catholics. V. Tanner, who visited Labrador in 1937 and 1939 wrote, "I have no knowledge that a single Indian of Newfoundland-Labrador has been given an opportunity to learn to read, write and count." A better day for the Indians dawned with the coming of the Oblate Fathers to Davis Inlet around 1949. Priests of this order are now stationed at both Davis Inlet and North West river, and they, in addition to their missionary duties, have conducted classes for the children of both stations for several years. A school, the first for Indians in Labrador, was completed at North West river in January or February 1959, and opened in September of this year—that is not to say that is the first school among the Indians. It is the first building built for that purpose. As I said earlier in this paragraph, the Oblate fathers have been holding classes for Indian children since they went to Labrador in 1948 or 1949.

It has been said that the foundation of any social evolution truly democratic in character is public education. If this is true, the process has only begun with the Labrador Indians within the last decade.

None of the adult Indians can read or write English, and few if any speak it. This alone, if for no other reason, was enough to prevent them from sharing in the prosperity which the construction of Goose airport brought to the settlers and a good many of the Eskimos. The position has changed little or not at all in the past fifteen or twenty years. The future, it is hoped, is brighter for the growing generation, but for the adults, without a command of English or French, and possessing only the skills of hunters and trappers, it is difficult to see how they can successfully compete for opportunities on an air base or in a mining operation. The most that can be hoped is that they can be absorbed in the unskilled labour market.

There is no longer any reason to expect that the Labrador Indians are destined to disappear as did the Beothucks in Newfoundland. The number visiting the trading stations in Hamilton Inlet and Davis Inlet around 1895 was approximately 355 or slightly less than the population at present. According to the 1935 census the number had fallen to 273, but because of improved medical and other services, especially during the past decade, they have made a remarkable recovery and now number more than 360 persons.

Administration

The administration of welfare services for all the people living north of Cape Harrison, including the Davis Inlet Indians, has been carried out since 1951 by a division of the department of public welfare, known as the division of northern Labrador affairs. It was not, however, until September 1958 that the work of the division was extended to include the North West river Indians, and an office set up at North West river for this purpose. All welfare benefits are available to the Indians, as well as the Eskimos, on the same basis as to all other residents of the province.

The division of northern Labrador affairs operates a store at Davis Inlet for the benefit of the Indians, similar to those operated in several other communities in northern Labrador, but does not operate a store at North West river where there is a Hudson's Bay Company post. A radio-telephone for

communication with other settlements, and with the international Grenfell association hospital at North West river is also maintained at Davis Inlet. It is proposed to install similar facilities at North West river in the near future. This has been done.

Newfoundland is the only province in Canada providing such services for the Indians and Eskimos. Elsewhere the work is done by two departments of the federal government; for the Indians by the Indian affairs branch of the Department of Citizenship and Immigration, and for the Eskimos by the Department of Northern Affairs and National Resources. The federal government has, however, provided financial assistance in the amount of \$200,000.00 for capital expenditure projects such as schools, hospital and Indian and Eskimo housing. Reference will be made later in this paper to the federal government's contribution in meeting the cost of the health services.

Broadly speaking, the problems of the Indians, like those of the Eskimos, stem from economic causes, and are therefore to some degree similar. However, in spite of any similarities which may exist, it should be recognized that the cultural and psychological differences between the two races will require, even if they are to be dealt with by one administrative unit, specialization within that unit.

Health services for the Indians and Eskimos in Labrador are provided through the facilities of the international Grenfell association in cooperation with the Newfoundland department of health and the federal Department of National Health and Welfare. The full cost of a ten year program which began in 1954 is being borne by the federal government. An air ambulance, based at North West river, is operated in conjunction with the hospital services. Police services are provided by the Royal Canadian Mounted Police. Wild life conservation services are administered by the provincial department of mines and resources.

Economic Conditions

In this respect the plight of the Indians could hardly be worse. For reasons already given the prosperity which came to other groups as the result of employment at Goose Bay passed over the heads of the Indians, and the position has changed little or none at all since then. The North West river group of Indians have apparently neglected the one field, that of fur-trapping, left open to them. For several generations, as the white and half-breed trappers increased in numbers the best hunting and trapping grounds along the river valleys were taken over and the Indians left with a choice of retreating to the remote barrens of the interior and starvation, or remaining on the coast to live on the white man's charity. During the last twenty-five or thirty years they have for the most part followed the latter course—so much so that when the white trappers deserted the trapping grounds for other employment the Indians failed to take advantage of this change in their fortunes. Efforts are now being made by the division of northern Labrador affairs to induce them to exploit the wild life resources again, but it is too early to say with what success. All that can be said is that practically all the able-bodied men, and in most cases their families with them, are on the trapping grounds again this season.

The North West river area produces the greatest quantity of the most valuable furs such as mink, otter and beaver in all of Labrador. The Davis inlet area on the contrary produces practically nothing but foxes which have so declined in value in recent years as to be worth practically nothing. To this extent, therefore, the Davis inlet group may be excused for neglecting to trap. On the other hand, efforts to introduce the latter to cod fishing were not very successful.

Another very important reason why it is desirable for the Indians to spend at least a part of their time on the hunting grounds is to obtain the fresh foods, so necessary to their well being and not otherwise available to them. With this in mind the Division has undertaken to transfer food supplies by aircraft to inland points to minimise the danger of hunger and possible starvation to families wishing to exploit more fully the game and fur resources. The Indians cannot be blamed for their reluctance to expose themselves and their families to such risks when it is remembered that in the winter of 1893-94 a band of Naskauppees failed to find deer at Indian House lake and half their number died of starvation.

The decline in the value of fox furs has for all practical purposes eliminated the only important source of cash income during the fall and winter months not only for the Davis Inlet Indians but for the Eskimos as well. The problems of the latter have been partially solved by increased emphasis on the cod and char fisheries and other incidental employment by which the majority support themselves in summer and qualify for unemployment insurance during the off-season. As previously stated, efforts to get the Davis Inlet Indians to exploit the codfishery during the period 1942-55 were not very successful. The average annual catch was around fifteen quintals a man as compared with fifty or sixty quintals for an Eskimo fisherman, but the Indians themselves may not be altogether to blame for this poor showing, and it is hoped to try another method, that of purchasing the fish fresh from the knife, in the near future. Under this method they will be relieved of all responsibility for curing, and will be paid on a daily or weekly basis for the quantity of fish delivered. It will also mean that if an Indian departs suddenly for the hunting grounds his catch will not be left for someone else to cure.

It would appear that until such time as the Indian is ready for regular employment, and regular employment is ready for him, that the best approach to his problem is to make the most of local industries such as fishing, fur-trapping and hunting, as is being done by the Eskimos. As already suggested the Davis Inlet Indians should be able to participate in the codfishery, but this opportunity does not exist for the North West river Indians, at least not in the North West river area. There is, however, a possibility that a small inland fishery can be developed there, and this matter is now under investigation. Reference has already been made to the opportunities for fur-trapping in the North West river district. The question is not only one of resources, but whether or not after years of lethargy sufficient enthusiasm to exploit them can be infused into the people concerned.

Another long-term prospect is the development of a beaver management program such as that being carried out with remarkable success in the province of Quebec. Needless to say this will require the cooperation of the provincial department of mines and resources and participation by the Indian affairs branch of the Department of Citizenship and Immigration.

Except in a few isolated cases the North West river Indians cannot obtain permanent or even seasonal employment at Goose airport. Their only earnings are from casual labour provided by the North West river community, involving such things as handling freight, cutting logs or a little road work. The total cash earnings of the fifty or more families concerned probably did not amount to \$3,000 during the current year.

Consideration has been given to the matter of starting a sawmill for the benefit of the Indians at North West river, but a great many details will have to be worked out before this can be done. First of all must come acceptance of the principle that such a venture must be wholly a rehabilitation project, and operated if necessary at a loss. Most difficult would be the problem of securing the services of a competent operator who would be

willing to supervise the Indian workmen. There is an abundance of suitable timber in the area, but the rights are held by large companies or corporations.

What has been said regarding an operator willing to supervise Indian labour in a sawmill operation applies equally to the matter of their employment at Goose airport or under similar conditions elsewhere. If such a person were available to supervise and practically guarantee their work, contractors and other employers may be persuaded to employ some of the Indians. But individuals possessing all the necessary qualities, if they exist at all, are extremely rare. In this approach, however, seems to be the only hope for employment of the adult Indians at the present time.

Social Factors

The following statement may be found on page 691 of *Acta Geographica* published in 1944, by V. Tanner, a Finnish scientist who visited Labrador in 1937 and 1939—"As far as I know few positive measures have been taken to assist the Northern Naskaupee in assuming modern civilization." What was true concerning the Naskaupee was also true of the Montagnais and very largely remained so until the coming of the Oblate Fathers. As previously stated, most if not all the Labrador Indians are Roman Catholics. Education of the children did not begin until the coming of the Oblates. The adults have had no formal education, and can speak neither English or French. They have had no vocational training and know only the skills of the hunter and trapper, and even the latter are in danger of being forgotten.

The health services at present are good, and this combined with better spiritual leadership and improved welfare services has led to a remarkable recovery in point of numbers in both groups. The 1945 census gives 272 as the number of Indians in Labrador. In 1953 there were 174 in the North West River group alone; at the present time there are 262, but 30 or 35 of this number have come from Davis Inlet in recent years.

A housing program was begun under the supervision of the division of Northern Labrador affairs at North West River in the summer of 1957. To date, twelve units of about 22 x 24 x 8 feet each, have been built at a cost of approximately \$2,000 per unit. Several more families occupy shacks put together from scraps of plywood and other salvaged materials, while the remainder of the North West River group and all the Davis Inlet group live in tents all the year around. The federal government contributed two-thirds of the cost of 25 similar houses built for Eskimos in 1956, but to date no assistance has been received toward Indian housing although it is still hoped that this will be done.

Indians, unless they are disabled or prevented from doing so by other circumstances beyond their control, are required to contribute framing and other materials obtainable locally as well as labour, while the government, for its part, provides the remainder of the materials and supervision. Under this plan only the Indians who are willing to help themselves can get the houses, and it is hoped, furthermore, that a sense of ownership and pride in their surroundings will be developed. A plot of land 80 x 100 feet is provided with each house so that there will be room for a small garden. More rapid material progress could undoubtedly be made if the government were to provide all the materials plus the labour so that nothing would be left for the Indian but to occupy the house when it is completed, but this, while enabling the white man to point with pride at what he can do for the Indian, would prove nothing about what the latter can do for himself, and may not therefore be best for the Indian, who after all is the person most concerned, in the long run.

At first glance it may seem inconsistent to build an Indian village at North West River while advocating a return to the hunting and trapping

grounds. This question is quite involved. In the first place, if the Indians are to be civilized and integrated they will need a permanent place of abode. Secondly, churches, schools, hospital and other facilities are already at North West River. Undoubtedly many of the Indians of both the North West River and Davis Inlet groups will continue a nomadic existence for a great many years to come, but their children must attend school, and for this reason boarding school facilities should be provided at North West River with the least possible delay. The school year could be adjusted so that the children could take part in the autumn hunt with their parents.

It is claimed, probably with some justification, that the children as well as the adults show signs of malnutrition if they remain too long at North West River. The relief rations and other welfare benefits on which to all intents and purposes they subsist month after month cannot provide a proper diet and must be supplemented by fresh meat and fish. Even if these were available in quantity at the store the Indians could not afford to buy them and must therefore obtain them by hunting and fishing. Obviously these opportunities are better farther afield than near a settled community such as North West River.

The question of supplementing their food supplies from the game resources raises the very important subject of conservation. Deer meat has always been the most important item in diet of the Labrador Indians while on the hunting grounds, but recently the authorities have found it necessary to introduce measures to conserve the dwindling herds. The regulations now prohibit the hunting of moose and caribou south of a line following the Hamilton river and lake Melville, but licences to take caribou may be granted free of cost to persons who are not permanently employed and who have resided in Labrador not less than five years north of the line mentioned.

That is not too clear, I think. I believe that what it does mean is that south of the Hamilton river and lake Melville, at the time this was written, no killing of caribou was permitted, but they could kill under licence north of that line.

Furthermore, the Minister is empowered to exempt Indians and Eskimos living in Labrador from any or all of the provisions of these Regulations. In a community such as North West River where Indians and white settlers—also natives of Labrador—are living side by side it will be difficult to allow the Indians more freedom than the others who also need the meat, and regard themselves as being equally entitled to it. While deer is by far the most important source of meat, especially for the Indians while inland, there are other resources such as ptarmigan and other small game, sea birds, seals and plenty of fish of both the salt and fresh water varieties, all of which can be shared by the Indians, Eskimos and settlers alike.

Except for a family or two of settlers in nearby Sungo Bay, the Davis Inlet Indians have no neighbours closer than the Hopedale Eskimos and settlers forty miles to the south, and are not obliged therefore to concern themselves very much about their relations with other groups. At North West River, although the Indians live on the opposite side of the river they come into contact daily with the main community of several hundred settlers and Eskimos. For one thing they must share the same store, that is the Hudson's Bay Company post, and it may be added, spend a great deal of their time in it. They share the same hospital and medical service, and must compete with the others for the local game fish as well as the fuel—firewood—supplies. On the whole the relations between the Indians and the settlers are good, although the latter, understandably so, are critical regarding what they consider the government's openhandedness towards the Indians. For example, the cost of relief, clothing and hardware for families going inland, and the housing program during the period of August to December inclusive of this year—that was 1959—was approximately \$23,500.00 for the 260 Indians, while in the same

period not a cent was spent by the government on these items for double the number of settlers. Probably the settlers would like to see the Indians depart for more remote hunting grounds at certain seasons of the year to leave the game of the immediate area to them. Tanner, see page 604, gathered the impression that the local inhabitants regarded the Indians as unreliable and dishonest, and doomed to eternal pauperism because of their laziness. The root of the matter, of course, goes much deeper, and some of the more intelligent settlers must realize that the increased pressure on the game and fur resources of the interior by the coastal people during the early part of the present century was the greatest single factor in reducing the Indians to their present state of dependence.

The Labrador Indians, like the Eskimos, were enfranchised about ten years ago. In fact they gained the right to vote in provincial elections at the same time as the English-speaking people because it was not until 1949 that Labrador elected its first representative to the house of assembly at St. John's. Indians and Eskimos are not permitted to purchase alcoholic liquor, and it is an offence for any person to give or sell it to them. They do make home-brew, and it has been found necessary to limit the sale of ingredients from time to time. The Labrador Indians have never been confined to reservations, and there are no legal restrictions in respect to the hunting and trapping grounds they may occupy.

Summary

The need to find ways and means of relieving the economic distress is most urgent. Cash earnings for an Indian family under existing conditions average less than \$100.00 a year, so that for the most part they subsist on welfare benefits of one kind or another supplemented by game and fish. The prospects for full-time or even seasonal employment for the men are not bright, and it would appear that for the immediate future they should be encouraged and assisted to make the best possible use of the game, fur, fish, and timber resources as is being done by the Eskimos and settlers. The development of an inland fishery for the North West River Indians, as well as a beaver management program will require active co-operation by the appropriate departments of both the federal and provincial governments. The question of suitable personnel for the carrying out of this program is a most serious one.

The health services are reasonably adequate, but needless to say progress is being hindered by adverse economic and other factors. Very largely through the efforts of the Oblates a beginning has finally been made in the education of the children, but the adults, lacking the ability to speak or write English or French, are not ready for absorption in the labour market. Some progress has been made with a housing program by the division of northern Labrador affairs of the department of public welfare.

The Indian, unlike the Eskimo, has never shown much desire to imitate the white man, and is likely to retain his group identity for a long time to come. Some individuals may fit completely into the white man's society, but for the most part the Indians will probably be happier if a way can be found for them to achieve a measure of economic sufficiency while preserving some of the freedom of the traditional Indian way of life. A planned fur-trapping industry based on a beaver management program as is being done in Quebec would seem to be an excellent means of achieving this end. Fortunately, among the native Labrador groups, namely Indians, Eskimos and settlers, there is very little racial conflict so that, unless the balance is upset by an influx of other groups in the process of industrialization, the setting for peaceful integration, although this will be a long, slow process, already exists.

Mr. BALDWIN: I was not here at the beginning, and this matter may have been brought up already and, if so, no one need bother to answer. I wonder if anyone could tell me if there was any provision in the agreement between Canada and Newfoundland in confederation regarding the question of Indians, and responsibility for them.

Mr. ROCKWOOD: I do not know what went on at that time but as far as I can learn the position of the Indians and the Eskimos in Newfoundland at the time of confederation was that they were citizens, that there was no legal distinction between Indians and Eskimos and myself at that time—and there was none after we went into confederation. I think there was no agreement.

Mr. BALDWIN: Nothing in the agreement? What I am really driving at was whether there was anything contained in the terms of the agreement which would cast any particular onus on the federal government. Was anything like that contained in the terms of the agreement?

Mr. ROCKWOOD: Not to my knowledge.

Senator STAMBAUGH: Could we ask Mr. Jones?

Mr. JONES: The terms of the union are silent as to the Indians.

Senator STAMBAUGH: In regard to this planned fur trapping industry that you speak about, what kind of plan do you visualize? What does it do?

Mr. ROCKWOOD: As far as I know, in Quebec—and I believe in other provinces—I do not know too much about this—but as far as I know there is a program planned between the department of Indian affairs—it may be some other department—and some of the provinces, whereby they develop the beaver industry. They repopulate areas. Perhaps they close the season for a while until the beaver population reaches the point where they can be trapped. The whole thing brings about quite an improvement in the economic position of the Indian. I think that is so with the Indians in Quebec. I have never personally investigated it, but as far as I know that is the case.

Senator STAMBAUGH: Is it a combination of both?

Mr. ROCKWOOD: I think it is a combination of both in Quebec. Someone may know more about that than I do.

Mr. LEDUC: In Quebec we have a closed season and I can say that now beaver is very, very numerous. It is that numerous that just about 15 miles from Ottawa there are hundreds of thousands of beaver that have to be killed every year. The beaver is becoming a cause of damage to the forest, because along the Gatincau now the creeks and lakes are being dammed by the beaver and they are causing damage. I believe there are not enough hunters right now to kill the surplus of beaver. One of the reasons is that the price for beaver now is not high enough to make many trappers want to go out and kill them. The beaver are increasing in a very abnormal way, in fact they are causing damage and the province has to pay some men to go out and kill them. I do not know if that position obtains all over the country, but in this particular section the beaver is too plentiful.

Senator STAMBAUGH: I wonder if one could possibly allow the Indians to trap, and not the white trappers. Would there be some consideration of that sort?

Mr. LEDUC: The Indians are allowed to trap, I think, in unlimited amounts. There used to be a limit, but not now.

Mr. ROCKWOOD: A point that should be remembered is that, apart from the commercial value of furs, beaver meat is a very valuable consideration to the Indians. Is that not so? The meat of the beaver is of very great advantage to the Indians.

Mr. McQUILLAN: It is not very tasty.

Mr. BADANAI: In your summation here you state that the relations between the Indians and the settlers are good, although the latter, understandably so, are critical regarding what they consider the government's openhandedness towards the Indians. What you mean by that seems to be on the one hand that they are not dealt with justly, and on the other hand, they seem to be treated with some kind of preference to the other groups. Now, can you explain the reason for this position, in brief?

Mr. ROCKWOOD: It is a little difficult to explain. I was thinking of the North West river group of settlers, who are a very independent group of people. They do not need much government assistance. The reason they do not is because they built themselves up on the fur resources, which perhaps the Indians should have had a share of. Now the position is that they are fairly prosperous, and the Indians are not prosperous. The Indians are confused and have been confused, I think, and they do not know what to do. I think you have to spend money to get the Indians started. We have to spend much more than we have spent to get the Indians going in the right direction. Once they get started they will go on, but it will require a certain amount of money. These people at North West river do not think that. They think that because they have succeeded themselves, the Indians should be able to do likewise. I do not think they took into consideration the different background.

Mr. BADANAI: What I am rather amazed about in this brief is the statement that the Indians in Labrador have been neglected, and it reveals a shocking state of affairs there, although they are small in numbers. Surely our Department of Citizenship and Immigration are conscious of that situation. I feel that means they will not be treating the Indian the same as Indians elsewhere, and if not, they should. Where does the blame lie for this neglect? After all, the Newfoundlanders have been in confederation now for eleven years.

Mr. JONES: I did not follow all that Mr. Badanai said, but I got the gist of it. The Indian affairs branch has no responsibility for the Indian in Newfoundland.

Mr. CHARLTON: On the other hand, I see they have donated \$200,000 towards helping them.

Mr. ROCKWOOD: This \$200,000 was for the Indians and the Eskimos.

Mr. CHARLTON: Yes, yes, of course, for capital expenditure such as schools, hospitals and housing.

Senator FERGUSON: On page 9, the brief says:

The federal government contributed two-thirds of the cost of 25 similar houses built for Eskimos in 1956, but to date no assistance has been received toward Indian housing—

Could you say if any request has been made to the central government for assistance in Indian housing?

Mr. ROCKWOOD: Yes. As the brief shows, twelve units have been built, seven in 1948 and five in 1959. The cost of the 1958 houses was just around \$10,500.

Senator FERGUSON: Were these for Indians or Eskimos?

Mr. ROCKWOOD: A claim was sent, to the best of my knowledge and belief, to the department concerned, and to date we have not received any assistance on Indian housing.

Senator FERGUSON: What do you mean by "the department concerned"?

Mr. ROCKWOOD: The federal department concerned.

Senator FERGUSON: But Colonel Jones says the Department of Citizenship and Immigration has no responsibility.

Mr. ROCKWOOD: That was part of the \$200,000 deal. It may be that that \$200,000 was fully spent or it may not have been fully spent. I do not think it was, but the claim was not paid.

Senator INMAN: I am interested to know if Newfoundland was responsible for the Indians in Labrador, before they came into confederation.

Mr. ROCKWOOD: Yes.

Senator INMAN: When it came in, would they not automatically become citizens of Canada?

Mr. CHARLTON: And a federal responsibility.

Mr. ROCKWOOD: I think the distinction was made, in that the Indians of Labrador were considered to be Newfoundlanders and not Indians. We wanted to consider them as Newfoundlanders and not specially because they were Indians.

The JOINT CHAIRMAN (*Mr. Grenier*): Is this the reason that there is no mention of the Indians in the agreement?

Mr. ROCKWOOD: I think so. I would think that the legal status did not arise. They were already citizens of the province. They became citizens of Canada, just as all the other people of Newfoundland did, regardless of their origin.

The JOINT CHAIRMAN (*Mr. Grenier*): Can you tell us if they want to remain so?

Mr. ROCKWOOD: I do not know, I could not answer that as to whether they would prefer to have Indian status and share as the rest of the Indians in Canada, or whether they would prefer to remain citizens.

Senator MACDONALD: Mr. Chairman, I am late in coming, but I would like to read the first three or four lines of the brief. In the summary at the end of the brief, we read:

The need to find ways and means of relieving the economic distress is most urgent. Cash earnings for an Indian family under existing conditions average less than \$100 a year.

How do they come to make that \$100? Is it by trapping?

Mr. ROCKWOOD: I was thinking of casual earnings, such as perhaps handling freight, a little roadwork and odd jobs around the community. That did not include their earnings from fur trapping. I would say that perhaps \$250 is a pretty accurate guess. This would be the total income apart from welfare.

Senator MACDONALD: What do you suggest should be their total income so that they could lead a decent life?

Mr. ROCKWOOD: Including their earnings and welfare benefits at the moment they are getting around \$1100 or \$1200 a year. I would say they should be getting that; that is, \$1,000 a year would give them a decent standard of living.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any more questions?

Senator SMITH: What was mentioned was the attitude of the people in this settlement. What is their occupation? Are they engaged in trading?

Mr. ROCKWOOD: At one time they were trappers, but after Goose Bay started, they practically gave up trapping and were employed on the base. They are people who are working for wages at Goose Bay and they have other jobs. The mining companies have employed some of them during the summer. Those are jobs that the Indians cannot get, because of language difficulties.

Mr. CHARLTON: I understand that trap lines were taken away from the Indians by white settlers and it was difficult for the Indians to get into the custom of trapping again.

Mr. ROCKWOOD: They were practically driven away from the best trapping grounds, which were taken away by the white settlers as they increased in numbers. The Indians just fell back. Now they have not been able to reclaim what they lost.

Mr. CHARLTON: After having received welfare payments from the federal government they are restless to go back.

Mr. ROCKWOOD: That is the great danger—overdoing welfare. I think that something must be done to get them working.

Mr. CHARLTON: I wonder if Colonel Jones could give us some idea of how well the dominion-provincial scheme has worked out for the Indians in the trapping industry, that is in developing the number of fur animals in the area and having the Indians take it over for their livelihood in the northern districts. Could you give us an idea of how it is working out?

Mr. JONES: It has worked out very successfully, Dr. Charlton. Unfortunately, whatever they were doing, the price of beavers is dropping and that makes a big difference in the figures. As Mr. Rockwood stated the set-up in Quebec is excellent, where the Quebec government has set aside fur preserves. They were closed to everybody and were opened exclusively to the Indians. A restoration program was started, and the members of the committee will possibly recall the Abitibi group who were here, mentioning the tallyman wages which were being paid to give them something to eat while they were not allowed to trap the beavers.

After the preserves came into production through restocking and strict control, the Indians were doing all the policing themselves. That is the keynote of the scheme. Then the government and the trappers set a quota, one or one-and-a-half beaver per lodge. I do not know how they arrive at one-and-a-half beaver, and never have been able to understand that, but they set the quota and that will sustain the yield year after year. The Quebec preserves have taken millions of dollars value of beaver alone. In other parts of Canada, where we have the joint federal-provincial fur agreements, they are satisfactory.

Mr. CHARLTON: Would it not be logical, if there is an excess of beavers in several districts, to catch the beavers live and transport them to some of these districts in Labrador, and restore them, without having the interval of looking after the Indians while the number of animals was being increased? Would it not be possible, Colonel Jones, to catch them live and transport them to Labrador?

Mr. JONES: That is the way they do it by restocking the area.

Mr. CHARLTON: I would suggest that would be one way of helping these people. They could get back into the trapping industry.

Mr. ROCKWOOD: It is only a matter for the federal department concerned and the provincial department concerned to get their heads together.

Mr. CHARLTON: And to have it retained for the Indian people. The white settler should be prevented from taking it away from the Indian again.

The JOINT CHAIRMAN (Mr. Grenier): Mr. Rockwood, have you the feeling that the federal government should take more responsibility on Indian affairs?

Mr. ROCKWOOD: That is a very difficult question for me to answer, Mr. Chairman. I think I should answer it this way. The province of Newfoundland has been absorbed in a lot of problems, and to them this is just a small problem. I might as well be frank and say that I do think that we should receive assistance for the Indians and the Eskimos on a per capita basis, on the

same basis as elsewhere in Canada. The fact that we are administering the Indians and Eskimos should not make any difference. They are, technically speaking, citizens, and that does not really change the picture at all. The problems are the same. That is what I feel.

The JOINT CHAIRMAN (*Mr. Grenier*): What was the reason for not mentioning the Indians in the agreement?

Mr. ROCKWOOD: For the same reason, that at that time there were so many other problems that I doubt very much if the Indians received very much attention. I would say that it was one of the things that was not brought up at the time. As I said before, I was not at those meetings.

Mr. CHARLTON: I would suggest the reason is that they have never been actually considered as anything else but citizens of Newfoundland. That is why. They have not been considered as Indians or Eskimos, but just citizens of Newfoundland. That may be the reason why they did not want them to be segregated. Is that not so?

Mr. ROCKWOOD: I do not know whether they did this consciously or not. They thought of the Indians and Eskimos as a group, just as we have people who are of French extraction in Newfoundland. There may be people of other groups. We thought of them as another group, but we did not think that they should be regulated by legislation. I think the answer to that is that there was no legislation for Indians and Eskimos as such in Newfoundland prior to confederation. The Newfoundland government, down through the years, had never thought it was necessary to have special legislation. There were no reservations. It is just a question today of whether it is worth legislating or whether we should go ahead as we are. They are treated as a special group in welfare matters, just as any other group that needs assistance is treated. They are given special treatment, just as any other group.

The JOINT CHAIRMAN (*Senator Gladstone*): Do the Indians in Newfoundland get the same schooling? Is there compulsory education for every student? Do the Indians have the same opportunities for education as the other citizens in Newfoundland?

Mr. ROCKWOOD: There, again, there is no legal distinction. The law requires children to go to school, and that applies to the Indians as well as to anyone else; but facilities are not available for Indians. Actually, under the law, a child is not compelled to go to school under certain circumstances—for instance, if he lives a certain distance away from school. The parents, in that case, cannot be prosecuted for not sending the child to school. The same thing would apply to the Indians if the facilities were not there, because distances are too great from their homes to the schools, and the parents in that case would not be prosecuted. As I said in my brief, the first schools for the Indians did not begin until the Oblates went to Labrador in 1948. So education among the Indians is very backward. To say they have the same opportunities in reality is not so, although legally there is no distinction.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions from the committee?

We thank you very much, Mr. Rockwood. Tomorrow we will hear the Canadian welfare council and the greater Winnipeg welfare council.

Senator FERGUSON: Will we have copies of the brief before we come in?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, tomorrow.

Senator FERGUSON: Will they be distributed before the meeting?

The JOINT CHAIRMAN (*Mr. Grenier*): We will try to have them distributed. They bring them in when they come here in the morning, just before the meeting.

Senator FERGUSON: We used to get them a day or two ahead.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

WEDNESDAY, MARCH 22, 1961

WITNESSES:

From the Canadian Welfare Council: Miss Phyllis Burns, Director of Welfare Services.

From the Native Brotherhood of British Columbia: Mr. Guy R. Williams, President; and Rev. Peter R. Kelly, D.D., Chairman of Legislative Committee.

From the Department of National Health and Welfare: Dr. P. E. Moore, Director of Indian and Northern Health Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

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FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman,</i>	Mr. M. A. Hardie,	Mr. H. C. McQuillan,
Mr. H. Badanai,	Mr. W. C. Henderson,	Mr. R. Muir (<i>Cape Breton</i> <i>North and Victoria</i>)
Mr. G. W. Baldwin,	Mr. A. R. Horner (<i>The Battlefords</i>)	Hon. J. W. Pickersgill,
Mr. M. E. Barrington,	Mr. F. Howard,	Mr. A. E. Robinson,
Mr. A. Cadieu,	Miss J. LaMarsh,	Mr. R. H. Small,
Mr. J. A. Charlton,	Mr. S. J. Korchinski,	Mr. E. Stefanson,
Mr. F. J. Fane,	Mr. R. Leduc,	Mr. W. H. A. Thomas,
Mr. D. R. Gundlock,	Mr. J. J. Martel,	Mr. J. Wratten—24.

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, March 22, 1961.

(6)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Dupuis, Fergusson, Gladstone, Inman, MacDonald, Smith (*Kamloops*), Stambaugh. (7)

The House of Commons: Miss LaMarsh and Messrs. Baldwin, Cadieu, Charlton, Fane, Grenier, Henderson, Horner (*The Battlefords*), Korchinski, Leduc, Martel, McQuillan, Robinson, Small, Wratten. (15)

In attendance: From the Canadian Welfare Council: Miss Phyllis Burns, Director of Welfare Services. *From the Native Brotherhood of British Columbia:* Mr. Guy R. Williams, President; and Rev. Peter R. Kelly, D.D., Chairman of Legislative Committee. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs, and Mr. C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director of Indian and Northern Health Services.

Miss Phyllis Burns read a comprehensive submission of the Canadian Welfare Council and was questioned thereon.

The questioning being concluded, Miss Burns was permitted to retire.

Rev. Peter Kelly and Mr. Guy Williams were called and Rev. Kelly, after being introduced by Mr. Williams, read a brief on "The Medical Services to the Indians of British Columbia", and was questioned thereon.

Dr. Moore was called and clarified several points relating to medical treatment of Indians.

Mr. Williams also made a statement referring to medical services.

At 11.30 a.m., the Committee adjourned until 9.30 a.m. Thursday, March 23, 1961.

M. Slack,
Clerk of the Committee

EVIDENCE

WEDNESDAY, March 22, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Good morning, ladies and gentlemen. We have a quorum and can now start our meeting. Today we shall hear from the Canadian welfare council first and then from Mr. Guy William, president of the native brotherhood of British Columbia, and Reverend Peter R. Kelly, D.D., chairman of the legislative committee of the native brotherhood of British Columbia. The greater Winnipeg council will attend tomorrow, instead of this morning, as announced yesterday.

We shall now proceed to hear the Canadian welfare council, represented by Miss Phyllis Burns, director of welfare services for the Canadian welfare council. I understand all members of the committee have received copies of the brief, and I shall now ask Miss Burns to read it.

Miss PHYLLIS BURNS (*Director of Welfare Services, Canadian Welfare Council*): Mr. Chairman, I should first like to present the regrets of our council president, Mr. Carter, who is not able to be here this morning.

The Canadian welfare council is most appreciative of the opportunity provided by the joint parliamentary committee on Indian affairs to present views of the welfare field on some of the aspects of Indian affairs to which your committee is giving attention.

As some members of the committee will know, the Canadian welfare council is a voluntary association of public and private agencies and of citizen groups and individuals interested in policies and programs affecting individual well being and social welfare in Canada. Its aim is to ensure for all people in Canada, social security measures and social services that are adequate in extent, of high quality and soundly administered. These objectives apply as much to the needs of Canadians of Indian descent as to those of any others.

The Canadian welfare council does not have a division or committee which gives special attention to the needs of our native people, and this presentation does not represent formally approved views of the council. The submission has been prepared by council staff and is based mainly on the views of a substantial group of member agencies with whom we have consulted. These members include government departments and voluntary social agencies giving direct welfare services to Indian people on or off reserves. They also include citizen groups who are working with persons of Indian descent and other Canadians toward the integration of Indian people into the main stream of Canadian life.

Although it has not been directly involved in service to Indian communities, the council has not been inactive in connection with Indian affairs. In 1947, we collaborated with the Canadian association of social workers to present a brief to the previous special joint committee of the senate and House of Commons, which studied the Indian Act. Subsequently, we urged upon the then responsible federal department the appointment of social workers to the staff of the Indian affairs branch. In the years since such appointments were made, the council has worked closely with these workers and the Welfare services branch as a whole. On request, advice and assistance has been given by appropriate sections of the council concerning various welfare policies of the Indian affairs branch when they were under study.

The council has represented the welfare field among the preliminary groups which are now organized in the Indian-Eskimo association of Canada. The active service of a council nominee on the board and the executive committee of the association is one indication of our concern about the native peoples of Canada and our conviction that their well being and integration can be assisted by the joint efforts of government, voluntary agencies and the native peoples themselves.

We are well aware of the developments that have taken place since 1947, designed to improve the lot of Canadians of Indian descent. Examples of such developments under government auspices are: (1) the extension of family allowances, old age security and old age assistance to people of Indian background on the same basis as they are available to other Canadians; (2) modifications in the education program which have led to some Indian schools becoming available to non-Indian children and to the use of regional high schools and like institutions by Indian children where these are more appropriate to their needs, with the result that almost twenty-five percent of Indian children are now being educated in integrated schools; (3) efforts to improve the housing of Indians on reserves through the sharing of costs between the Indian affairs branch and the Indians themselves; (4) the use of the revolving loan fund; (5) pilot projects first undertaken in Alberta and more recently in Manitoba for the rehabilitation of selected Indians who have undergone periods of hospitalization, together with the use of Schedule R and provincial rehabilitation services on behalf of Indians; and (6) a recently developed placement program to help Indian young people find urban employment. The revision of the public assistance policy of the Indian affairs branch to provide cash assistance in accordance with the practice and standards accepted in municipal and provincial public welfare departments elsewhere in Canada is still another step toward ensuring that Indian people receive equality of treatment with their compatriots.

Probably the most positive developments in this latter connection have occurred in Ontario. By agreements between the federal and provincial governments and the children's aid societies, child welfare services are now being provided to Indian families and children on reserves in the same way they are provided to non-Indian families throughout the province. More recently in Ontario, the definition of a municipality has been extended for purposes of the Public Assistance Act so that it may now include Indian bands if they so desire. Many bands have taken advantage of this provision and, as a consequence, are administering public assistance to their members who may require such help. Fifty per cent of the cost of this program is being met through the Department of National Health and Welfare and thirty percent by the province of Ontario. The local portion and the administrative costs are being paid from band funds.

Further, when Indians move from reserves into other Canadian communities, there is a growing practice by the municipal authorities across the country to treat them as any other newcomer and to provide whatever social assistance may be required on the basis of need without regard to their Indian status. In many respects, British Columbia has given the leadership in this development where for many years Indians have been given equal rights off the reserves without any formal agreement whatsoever.

Among private citizens, too, there is a very evident and growing desire to assist Indian people moving from reserves to become part of the community in which they settle. In many such cities and towns, leadership in this matter comes from the church-related organizations; and in some places (of which Winnipeg is an example) these services have been formalized in firmly rooted community services such as the Indian-Métis friendship centre.

Agencies of this kind can help Indians to become familiar with their new home and to make use of the variety of services that urban communities provide to ease the stresses and strains of day to day living.

While such developments represent progress in a very real sense, many Canadians, including people in welfare agencies, are nevertheless aware of shortcomings and inequities which continue to exist as between non-Indian and Indian Canadians. For example:

1. It needs to be made quite clear that as a nation our objective in the administration of Indian affairs should be to ensure that people of Indian descent have equality of opportunity and responsibility with all other peoples in Canada. Indians should enjoy their share of education, employment security and social and cultural development, and should assume responsibility for self support so far as this is possible.

As the council stated recently in its submission to the special committee of the senate on manpower and employment:

The nation's people are its most valuable asset.

The full value of this asset can only be realized if two conditions are met. First, through appropriate opportunities for education, training and employment, every individual should be able develop and use his or her physical and mental capacities to the full.

Second, within the limits imposed by family circumstances, every individual has the obligation to be self-supporting and to this end should accept a continuing responsibility to improve his or her education and skills.

Many Indians are included among those Canadians who need the help of economic development and specialized health, welfare and education services if they are to achieve their full potential as Canadians. In many instances, it is Indians who stand in greatest need of improved services to achieve this objective.

2. Indians must have the opportunity, as far as possible, to choose whether they will remain on a reserve or move into other Canadian communities. Such a choice cannot of course be entirely free. For instance, the increased Indian population means that many reserves are losing whatever ability they may have had in the past to support their populations adequately; in order to maintain themselves, some Indians are or will be forced to leave the reserve.

3. Indians are caught in the anomalous position, as compared with other Canadians, of enjoying certain special privileges and at the same time labouring under certain disadvantages. Some examples of what appear to me as disadvantages are:

- (a) Since Indians do not have title to lands regardless of how long they have lived on them, they do not have the same property rights as other Canadians. This, in turn, has affected the possibility of Indians establishing themselves successfully in business, and has limited their ability to borrow money, etc.
- (b) If an Indian girl marries a non-Indian, she loses her Indian status and with it her right to inherit her father's property or his house.
- (c) The sections of the Indian Act concerning "trespass" may interfere with the right of Indians who have lost their Indian status through marriage or through relinquishment of treaty rights, to return to the reserve to visit relatives or friends. If such provisions were enforced, they would have the effect of breaking down family ties so highly regarded by Indians and non-Indians in Canada. Recent changes in the Indian Act to make it possible for health and financial assistance services to be provided to non-Indians living on reserves is an encouraging move to correct this situation.

- (d) The responsibility vested in the Indian Affairs Branch for the provision of certain services provided by municipalities in non-Indian communities, coupled with the uneven distribution of wealth among band councils, means that many band councils have neither the opportunities nor the resources to function as responsible elected bodies and that it is very difficult to develop any sense of civic pride or public responsibility within them.
- (e) Provisions in the Indian Act for Indian registration and control of residents on reserves have tended to create a static society on the reserves which does not make for a healthy economic or social situation.

A. Development of the reserves and their people

If Indians are to have an effective choice between remaining on the reserve or moving away from it, it is essential that certain action be undertaken. For example:

- (a) A comprehensive long-term program is required to fully develop the natural and human resources on the reserves, to increase the productivity of the reserves and to raise the standards of living. This should be a program of community development in its best sense that will make maximum use of the human resources and the resources of the reserve itself.
- (b) Positive steps must be taken to encourage greater initiative and responsibility about their own affairs among the Indian people.
- (c) Educational levels must be raised and incentives provided to encourage young Indians to continue at school so that, whether they stay on the reserve or move away, they will be prepared to play an effective role as members of the labour force and to make their contribution to the national life in accordance with their capacities.

For many years, primary responsibility for the Indian and his affairs has been vested in the Indian affairs branch. Despite the undoubted benevolence and good intentions of the government and its officials, the effect has been a kind of paternalism toward the Indians that has produced a high degree of dependence and of apathy among them about their future. These unfortunate results have been recognized in the branch and elsewhere for a considerable time, and some highly commendable efforts have been instituted to counteract them. However, we believe that what is required now is the adoption, as a matter of public policy, of a quite different approach so that initiative and responsibility for the management of their own affairs can be returned to the Indians themselves as quickly as possible.

We realize that attitudes and conditions developed over many years cannot be changed in a day. However, we are convinced that an intensive, carefully planned and well supported program of self-help and community development will produce the desired results, provided that the Indian people themselves are fully involved in the planning and execution of the program.

Projects of this kind already undertaken elsewhere have demonstrated that people do respond with enthusiasm to such a program.

The objectives of the program we are suggesting would be:

1. To assist the Indians to assess the resources on their reserves and draw up plans, as necessary, for the development of these resources.
2. To provide opportunities for Indians to take personal and group initiative and responsibility for working out ways and means of achieving objectives which they set for themselves, but with access to such skilled advice and counselling as they may require.

3. Through such efforts, to provide Indians with the experience of taking responsibility, learning to work with one another and with other Canadians to find solutions to their own problems, in order that they may, among other benefits, gain a sense of personal worth and self-confidence.

To implement such a program would require:

- (i) The addition of staff, who are specialists in community development, to the Indian affairs branch either as senior officers of the Indian agencies or at some comparable level, with different types of functions from those now existing. These officers would be charged exclusively with responsibility to help the Indian communities decide what resources they have that can be developed and how best to proceed. They would also help the Indians to secure such technical resources as are required. Some of these specialist staff are already available in the branch and in other departments of government, but additional technical help may also be required.
- (ii) As an integral part of any such program, considerable attention must be given to adult education adapted to meet the particular needs of the Indian people and to help them acquire specific skills they must have to make the program they decide upon effective.
- (iii) Obviously additional budget allocations would be required to implement such a program. However, where band funds are available, there could be sharing of the costs of such a program between the Indian affairs branch and band councils.
- (iv) The desirability of establishing committees advisory to the Indian affairs branch should be given careful study. Such committees, which might begin in the first instance at the agency or provincial level, would provide opportunities for the exchange of ideas and the sharing of information between branch officials, Indians, and representatives of provincial governments and voluntary agencies, all of whom are concerned with aspects of Indian affairs. Such committees would demonstrate the desire of other groups to help the Indians find solutions to their problems and would provide the Indian committee members with experience of a democratic institution in action.

Plans should be made to increase the educational attainments of young Indians still at school. In spite of the established policy of the department of Indian affairs to provide advanced education for Indian young people wishing to take advantage of such opportunities, there are genuine obstacles in the way of many children receiving more than the minimum of education and training. For example:

- (a) Low family standards of living and limited education of many parents may produce economic and social pressure from the family to leave school early.
- (b) While Indian children are required to remain at school until they are 16, for a variety of reasons many of them leave at that age without having completed elementary grades.
- (c) Uncertainties about job opportunities, even with further education, may constitute a psychological barrier.

We would therefore recommend:

- (1) That efforts be made to ensure that Indian children are encouraged to remain at school until they have secured a basic general education as preparation for whatever vocational training their interests and abilities warrant.

(2) Indian children should be encouraged even more than at present to take advantage of opportunities for vocational training and other types of advanced education. They should have access to appropriate vocational guidance resources to assist them in making a proper choice of occupation.

In this connection, we should note the shortage of vocational guidance resources for all Canadian young people. Recommendations made by the council on March 16 to the special committee of the Senate on manpower and employment, if implemented, would be of great assistance to Indian young people. The appropriate recommendations are:

Recommendation 12: Through fuller use of the technical training and assistance act and other legislation, Canada's investment in vocational guidance and vocational training should be greatly increased, the facilities and personnel should be expanded and improved and more people should be encouraged and enabled to enroll in training programs.

Recommendation 13: Combined training-employment programs, apprentice schools and similar techniques which are employed in some other countries should be tried out in Canada, in order to meet the needs of young people of school age who are unable to benefit fully from exclusively formal schooling and of adult workers who can still benefit from improvement in their basic education, vocational training or occupational skills.

Recommendation 14: There should be an immediate and intensive study, followed by appropriate action, concerning the interrelated educational training and employment needs and problems of youth.

B. Indians in non-Indian communities

Whatever can be done to raise the standards of living on reserves and to make them more productive, there will continue to be a steady migration of Indians from reserves to other Canadian communities. The Indian affairs branch has estimated that approximately 40,000 Indians are already living off reserves.

Based on the experience of migrant Indians and the communities to which they go, we believe that a great deal more can be done than is being attempted at present to make the transition from reserve to urban Canadian community more successful. We would recommend that:

1. As far as possible, Indians who are considering such a move should have access to counselling about their plans and be provided with information necessary to help them make a wise choice of location, job, and so on. Such a service could be provided through the agency superintendent, a social worker, or some other person skilled in counselling and familiar with the conditions which the Indian and his family will meet in a non-Indian community.

2. The preparation should begin in the educational system by giving the Indian as much understanding as possible of his non-Indian compatriots, experience in situations he is likely to meet in dealing with them, and some understanding of their culture and attitudes, particularly as it differs from that of the Indian. Such background, if it supplements his knowledge of his own people and his pride in his own race, its history and culture, and if he has the basic education and training in accordance with his capacities to enable him to secure and hold a job, would be of immeasurable assistance to him in moving away from his native surroundings. This preparation is valuable to the Indian regardless of what decision he makes since even on the reserve he should know and understand the white man and his ways.

3. In the white community, the Indian should find a positive attitude towards him; for example, he should not face discrimination in his search for suitable housing.

In this connection, the council is happy to support a recommendation already made to this committee by a number of groups: that greater efforts should be made in the educational program of Canada's provinces and through the various media for adult and informal education to give the non-Indian Canadian a more accurate picture of the Indian and his culture and greater understanding of the history and background of this section of our native population. A very important contribution can be made here by the citizenship branch of the Department of Citizenship and Immigration where attention is already being given to the place of Indians in Canadian life.

4. The Indian should have opportunity for employment at a fair wage in accordance with his capacities.

While at the present time, special help may be given to Indians by the Indian affairs branch in seeking employment, this group is one the council had in mind when it made the following statement concerning needed improvement in the national employment service in its submission to the special committee of the Senate on manpower and employment:

If NES is to act as an instrument of manpower policies, it must be free to direct its staff and resources as required to groups for whom there is a particular demand or who need specialized help. Such a mandate does not, of course, pre-empt the field for the national employment service. On the other hand, to the extent that NES has appropriate terms of reference, qualified staff and adequate resources, there should be less need for other employment services, public or private.

5. Indians coming into urban areas should have certain resources available to assist with their integration. They should have access to counselling, financial assistance and other supportive services they may require. Preferably these should be provided by organizations in the new community, even if such services depend upon reimbursement of certain costs by the Indian affairs branch for an initial period.

Lack of residence in the community makes the Indian, like other Canadians, ineligible for local assistance particularly in some areas. Because of the unevenness of community organization across Canada, it cannot be assumed that the Indian will find the services he needs already existing in the community. Where appropriate facilities are lacking, the Indian affairs branch should do whatever is possible to encourage and stimulate the development of such services.

The council believes that separate services for Indians, or any other group, are generally undesirable and expensive and should usually be established only as a temporary or emergency service. However, the special needs of such a group may require the development of a service that may subsequently become a community-wide program from which others may also benefit. In fact, the needs of Indians may bring about identification of a gap in service which requires the establishment of a new service for all residents.

Accordingly, we recommend that the Indian affairs branch continue to negotiate with the provinces and with municipal authorities and voluntary agencies, particularly those adjacent to Indian reserves, for the provision of necessary community services to help Indians integrate in local communities. Such negotiations should include some financial contribution from the branch where this is required.

C. Child welfare problems

There is a growing trend to meet, through local or provincial services, the child welfare needs the Indian family cannot handle without help. However, there is also real concern about the adequacy of available resources. Many of our member agencies report that their staff should have and are seeking more understanding of Indians as parents and of their patterns of family living.

The confidence of the Indian family in a social worker from a child welfare agency as "a helping person" takes much time and patience to establish. This is partly explained as a traditional attitude toward the white man, partly by the fact that Indians have not always been party to the decision that such services should be provided, and partly because the Indian is aware and fearful of the differences in the two ways of life and what these may mean to his family. However, on many reserves, these services are warmly welcomed and their helpfulness has been amply demonstrated.

A second problem confronting the child welfare program on the reserves is the shortage of foster homes for Indian children who need them. In many instances, homes are being used on reserves with excellent success, and Indian affairs officials, the clergy and others are helpful in finding such homes. A sufficient number will probably not be available for children of Indian descent (with or without treaty status) until more adequate housing and improved standards of living on the reserve make it possible for Indian families to undertake more fully the responsibilities of boarding needy children.

A third difficulty concerns the adoption of Indian children, and of children by Indians whether they are treaty, non-treaty or white children. The Indian Act at present denies to adopted children rights the natural children enjoy. For instance, in order to have the same rights as a natural born child, a child adopted by an Indian must have his name added to the band list, although the procedure for doing so violates the confidentiality essential to good adoption practice and which is incorporated in all provincial adoption legislation. Accordingly, we recommend that necessary changes be made in the Indian Act with reference to the adoption of children to ensure that it is consistent with provincial adoption legislation by providing for:

- (a) protection of the identity of the child being adopted, and
- (b) acceptance of the adopted child as "for all purposes" the child of the adoptive parents as if born to them in lawful wedlock.

Fourth, some of our member agencies are concerned about the use of residential schools. While circumstances may vary from reserve to reserve, we believe that there are two areas requiring study and clarification:

1. Under ordinary circumstances, admission of a child to a residential school should not affect parental guardianship of that child.
2. The function of the residential school should be education for the child for whom other facilities are not accessible or the child whose parents cannot care for him. It would be most unfair to the staff and to the child if a residential school were used to care for children who present problems in their own homes or to their communities. Such children need special help which should be available to them, but care of this kind cannot be expected in the setting which the residential school provides.

IV. CONCLUSION

To ensure the full implementation of the objectives which the council and its members have for the welfare of Indians, and to implement our specific recommendations and suggestions, the key recommendation that council wishes to emphasize is:

That the staff of the Indian affairs branch be strengthened in order to discharge more effectively some of its present and anticipated functions.

We believe that additional resources should include:

- (a) The appointment of a substantial number of persons with community development skills who would be given the necessary resources and responsibility to work with Indians toward raising the standard of life on the reserves or to help plan for the movement of people where this seems the best solution.
- (b) Additional qualified social workers to assist with the counselling of individuals and families considering moving off reserves, and to work with Indians or community-wide agencies in the solution of such family problems as marital difficulties, delinquency and illegitimacy.

Depending upon the population to be served, it may be desirable to aim at appointing one social worker per Indian agency. A further objective is, of course, to have as many of these workers as possible of Indian descent, although because of the training required, this cannot be regarded as an immediate goal.

The JOINT CHAIRMAN (*Mr. Grenier*): Have members of the committee any questions to put to Miss Burns?

Mr. McQUILLAN: I would like to ask the lady this, in view of her statement on page 3 that probably the most positive development in this connection has occurred in Ontario—referring to welfare. Does she think that perhaps the Indian welfare should be as rapidly as possible transferred to the provinces, even though the federal government may have to make contributions to the provinces—that it should be kept to provincial level.

I am thinking on this line, that across Canada we have ten provinces each with different laws, different regulations governing the people, different standards of education, welfare and all the rest of it. Would it not be a step forward to endeavour to have the provincial authorities assume complete responsibility for the welfare of the Indians within their provinces?

Miss BURNS: I would say, in reply to that, that this is consistent with our opinion that as far as possible the Indian people should have access to the same services as other Canadians; and since other Canadians receive service directly, I think this is the objective for Indians. I would say however that because of the unevenness of service, this might mean that in some instances Indians might temporarily not be quite so well provided for in some respects as they are now, under the Indian affairs branch. I think the answer here is the improvement of provincial and local welfare services rather than keeping Indians separate.

Mr. McQUILLAN: Are you suggesting that for some provinces the non-Indian population has not got welfare benefits that are equal to Indians in some other provinces?

Miss BURNS: There is great unevenness in the welfare services across Canada. There is inability to provide them—financial inability and lack of readiness in some instances. In the Department of Citizenship and Immigration Indians are dealt with as Indians regardless of where they live, and this does make a difference; we do not have the same situation in provincial welfare services, except in certain programs.

Mr. McQUILLAN: To me that seems to be one of the problems. The Indian is a citizen of Canada but not necessarily a citizen of the province in which he lives.

Senator DUPUIS: Take the case of Caughnawaga near Montreal, as far as this question of children is concerned. Does the lady know anything about this province of Quebec, or about Caughnawaga?

Miss BURNS: I do not have any recent information about the situation in Caughnawaga. I would say, however, that in the province of Quebec there is not the same provincial child welfare structure as exists in Ontario, and there is more local responsibility; so I would think that the situation would be somewhat different from that in some of the other provinces.

Senator FERGUSON: On page 8, Mill Burns suggested that programs have been undertaken of self help and community development and that these might produce the desired results, provided the Indian people themselves are fully involved in the planning and execution of the program. In the next paragraph she says that projects of this kind already undertaken elsewhere have demonstrated that people do respond with enthusiasm to such a program. Will she tell us where?

Miss BURNS: We are thinking mainly of the programs of community development that have been undertaken in other countries, such as India, Pakistan and some countries of South America, where there has been tremendous involvement of the people in local communities themselves, with help from international sources in those cases, to develop a reasonable standard of living and of industry, and that sort of thing.

Senator FERGUSON: These have been successful?

Miss BURNS: Quite.

Senator STAMBAUGH: On page 6, are you recommending that Indians should have title to the land on the reservations? I believe that Indians now may own land off the reservation. Is that not correct?

The JOINT CHAIRMAN (*Mr. Grenier*): No.

Miss BURNS: Mr. Chairman, I do not think that I, personally, or the council are competent to discuss the whole matter of the reserve system. I do think however that the fact of the situation, as it is, does mean that Indians have different property rights, and that makes them different from other Canadians.

Senator STAMBAUGH: Have they not got the same property rights, if they are off the reservation?

Mr. ROBINSON: With franchise?

Miss BURNS: But if this is what they want to do, then they must decide to get off the reservation?

The JOINT CHAIRMAN (*Mr. Grenier*): Off the reserve they have the same rights as other Canadians.

Miss BURNS: But the reserves are home to very many Indians.

Senator STAMBAUGH: I think you can see that if they got title to the land on the reservation they could sell it the same as anybody else. If they had the title, they could sell the land to non-Indians and move off. You would hardly want them to do that, or hardly advocate that they should do it.

Senator FERGUSON: I do not think the witness has to be asked that. She may say why she thinks Indians have different problems. She is not saying how we should change the law but she thinks we might think up some way to overcome the problems. That is our job.

The JOINT CHAIRMAN (*Mr. Grenier*): The witness has already mentioned that she is not well aware of the reserve system.

Miss BURNS: This is outside our area of competence.

Miss LAMARSH: May I inquire regarding Indians being placed in a position of discrimination. I wish to inquire of the witness whether she knows of any particular cases where an Indian has met discrimination. Is it widespread or is it in particular cases?

Miss BURNS: I am not aware just how widespread one would say it is. Almost without exception, the agencies with whom we have been in touch, who work with Indians in local communities, do refer to the problems that Indians have in finding suitable housing in areas where they would like to live and at rates which they can afford to pay—because of certain preconceived notions people have about Indians. Therefore, if a person is recognized as an Indian he may have more difficulty than some other people in getting located. I think this is not an uncommon problem in most Canadian communities.

Miss LAMARSH: Most provinces have legislation which prevents such discrimination. Have there been reported any prosecutions in that respect in regard to Indians?

Miss BURNS: I do not know of any. The problem with this kind of legislation, certainly where it does exist, is that it is not easy ever to establish that you do not get the accommodation you want because you are Indian or for whatever other reason you are being excluded. This has been the experience among Indians, that they have in fact had such problems.

Miss LAMARSH: Has the witness, through her agencies, any experience of any allegation that, in the communities into which Indians move, there has been shown any feeling of discrimination against those new Indians? In other words, do the non-Indians accept Indians who come from reserves into the general community, or is there any friction, is there any difficulty with the children or the adults?

Miss BURNS: I think it would be very difficult to generalize. It would seem to me that, like any other newcomers in a community—let us say immigrants, Indians, anyone that is different—they are not very acceptable to some people in the community and they are accepted on a completely equal basis by others.

The experience of people in local communities who have worked with Indians is that they have not found it easy to be fully accepted in ordinary community life. Some organizations have been working very hard on this problem. For example the Y.W.C.A. is one of the organizations that has encouraged the Indian young people to come to clubs. In some instances in certain branches, I understand they have begun with groups for Indian girls and then introduced them into other groups where they become integrated so that it becomes an integrated group. This is part of the process that goes on.

There is a real problem for those communities close to reserves, where a large number of Indians are coming in looking for work. This poses somewhat of a threat to the people who are finding it difficult to get jobs themselves. This is the kind of thing which results in discrimination and the isolation of Indians.

Miss LAMARSH: How about the attitude of non-Indian children to the Indian child at school, is there discrimination there?

Miss BURNS: Children do not discriminate in general at all. A child is a child.

Mr. McQUILLAN: Is that not the answer to the question, that children having gone to school together, a lot of this discrimination will disappear. I know that there are communities, I am not going to name any, where there is a large percentage of Indian population living on adjoining reserves, where there has been a lot of discrimination. Probably there was a lot of local discrimination because the children were going to separate schools. Now that they are going to integrated schools, it will disappear.

Miss BURNS: If some counselling can be made available to Indians who want to take advantage of it on the reserves, they might be helped to move

into communities where they would be able to find jobs and where they would be likely to be more generally accepted than in some of these communities that are close by and that are easy to go to; so that you would not have the kind of problem that the member has referred to, or you would have it to a lesser extent.

Mr. CADIEU: Do you not think there has been a vast improvement in the integration of schools in the past four to five years? I know that where I come from, not too long ago when the department of Indian affairs made application to the school board to accept Indian children it was vigorously turned down; but today it is received with a much different attitude. We now have school buses running from the Indian reservation right into the various towns. I think this has improved greatly in the past few years.

Miss BURNS: If I may comment on that, I think we, and the constituency that the council represents, would agree with this. We feel this is a trend which provides opportunities now for moving ahead in the whole matter of Indian affairs, that did not exist in terms of support from the Canadian public in earlier periods. The climate is much more ripe for this kind of thing now than it was a few years ago.

Mr. ROBINSON: May I say that that should be increased to the greatest extent, and I agree with it.

Senator DUPUIS: I would not like to question the lady who is representing the Canadian Welfare Council but as she represents an independent body between the Canadian department for Indian affairs and the Indians, I would like to know from her what would be the effect of the Indian asking for complete emancipation and going into the community and joining the ordinary citizen of the country. Would that be feasible or advisable?

Miss BURNS: I think I can answer this only in terms of what I believe happens to people if they are suddenly cast into a situation of which they have no experience. It seems to me that if this committee were contemplating any such kind of recommendation, it would have to be taken into account that unless people have preparation to take full responsibility and have ability to earn their own living, and can manage their own affairs, this could be very disastrous to the individual. If this is an ultimate objective towards which a program is directed, then the time will come when this would be what you will want to do; but I have to say this that if this should happen tomorrow—

Miss LAMARSH: Suppose this were completed over a 20 to 25 year period with the ultimate view of having complete integration known to the Indians and to the general public, could the witness say whether this would work? This is actually a couple of generations of people growing in within the system of more integration and more independence—something that would say that the Indian affairs branch would be gone in 50 years.

Miss BURNS: I would think this would certainly work, because we know very well that in individual cases this has worked exceedingly well. Under the same kind of circumstances, I am sure it could work for the group. Integration always assumes, however, that it is a two-way street, that it is not a question of merely the Indian's attitude. Our objective is not that Indian people should become like us but that we should all become a little different, so that the integration process not only requires an organized plan directed to Indians but also to non-Indian Canadians.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you think that now the Indian generally would accept this complete emancipation which Senator Dupuis was talking about?

Mr. MCQUILLAN: Is not the word emancipation the wrong word there, because the word emancipation would indicate that they are not free now,

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whereas in fact the Indian has all the rights, federally, of any other Canadian citizen, plus a few more. The word emancipation might be misconstrued and I would just want to direct your attention to it.

The JOINT CHAIRMAN (*Mr. Grenier*): I think what was meant was getting off the reservation.

Senator DUPUIS: I have in mind the attitude of Africans towards the South African government. The South African government is blamed for not putting the native Africans on the same level as whites, and I wonder if there is any resemblance or comparison between the attitude of the Indians in Canada towards white people. Does the Canadian government accept the Indian on the terms suggested by the Commonwealth of Nations?

Mr. MARTEL: We never threw them out.

Mr. CHARLTON: I do not think the two situations can be related because here, as has been pointed out, the Indian people have every right and privilege and, in addition, have rights and privileges to which other Canadians are not entitled. Therefore the situation cannot be considered similar to apartheid in South Africa.

Senator DUPUIS: I do not wish to start a contest of views. I am ready to admit the Indians have certain privileges but the Indian himself has no liberty, no freedom and no right to associate with the ordinary people of Canada.

Mr. MCQUILLAN: I take violent exception to that.

The JOINT CHAIRMAN (*Mr. Grenier*): I think it should be understood, as was pointed out before this committee some days ago, that any Indian who wants to go anywhere in Canada has all the rights of a Canadian citizen.

Senator DUPUIS: Individually, but not as a whole.

Mr. CHARLTON: As a whole, if they so wish.

Mr. SMALL: Having sat on this committee for a couple of years I think those who have received briefs will find there is a picture involved that does not lend itself to the complete integration which you are talking about because, all through the evidence, the Indian wants to be himself. He wants to maintain his own tongue and his own culture. He does not want to be integrated with the rest of the population but he does want to be accepted so that he can mix with them.

Miss LAMARSH: It seems that over-paternalism has caused the Indian to become too dependent on the state and one of the problems of this committee is to find ways of making him more dependent on himself. Surely our function is to assist the Indians to cross the bridge to a point where they will be able, economically and educationally, to decide what they want to do? They are somewhat in the same situation as were married women before the start of this century. Under the law administered by a paternalistic state they were, in fact, under-privileged people, though this was done in the name of protecting them.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions members would like to ask Miss Burns?

Mr. CHARLTON: I wonder would the witness agree with me it is most desirable that Indian children should receive both their primary and secondary education in an environment and an area close to their own homes, close to where their parents reside?

Miss BURNS: Yes, Mr. Chairman, I would say so.

The JOINT CHAIRMAN (*Mr. Grenier*): Then, if there are no further questions, thank you very much for attending, Miss Burns. I believe you have made a very effective contribution to the work of the committee.

We shall now proceed to hear Mr. Guy Williams.

Mr. McQUILLAN: Will we be able to complete our hearing of these representatives this morning?

The JOINT CHAIRMAN (*Mr. Grenier*): They have a very short brief. Now, ladies and gentlemen, I shall ask Mr. Williams, president of the native brotherhood of British Columbia, to introduce Reverend Peter R. Kelly.

Mr. GUY R. WILLIAMS (*President of the Native Brotherhood of British Columbia*): Mr. Chairman and honourable members, I wish to thank your committee for giving us the privilege of appearing before you on matters which are of great concern to our organization and to the native Indians of British Columbia. My colleague, Dr. Kelly, has been working on behalf of the native people in British Columbia for upwards of 50 years. He is one of the staunchest men we have in British Columbia and is fully acquainted with the problems of the Indians. He was the chairman of the allied tribes of British Columbia and worked on their behalf for upwards of 40 years. I now take great pleasure in introducing Dr. Kelly, the chairman of our legislative committee.

Reverend Doctor R. KELLY (*Chairman of the Legislative Committee, Native Brotherhood of British Columbia*): Mr. Chairman, Senator Gladstone, ladies and gentlemen of the joint committee of the Senate and House of Commons on Indian affairs, during the past few years there has been a growing impatience in our organization with the medical services rendered to the Indians of British Columbia, but I would imagine the heads of the departments concerned would not say they had singled out British Columbia for the type of treatment given there. These medical services apply to Nova Scotia as well as to British Columbia. They apply across the continent, but during recent years, following the growth of discontent, we began to look into the matter a little more closely and what we have stated in our short brief gives the reasons for our appearance here today. I should now like to read our submission to the committee.

When British Columbia entered confederation, certain definite commitments were contracted by the dominion government and the province of British Columbia. By the thirteenth article of the terms of union, it is provided that:

(1) "The charge of the Indians shall be assumed by the dominion government."

I might say that sentence is taken out of the official statement and there should be a comma after "Indians", because when that section was introduced there was reference to the management of lands for the Indians.

Our brief continues:

that (2) "A policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after the union."

These are the official words and I may say that I have taken them out of the first volume of the report of the royal commission on Indian lands, which operated between 1912 to 1916. I think you have the report of that commission in your library. I have the first volume but, since it is such a huge one, I did not want to pack it around with me this morning. However, if members demand to see it, I shall produce the book and read from it:

"The terms of union were sanctioned by the imperial government, and were given force and effect by an order of Her Majesty in council under the British North America Act, and thereby became as much a part of the act as if they had been embodied in it."

We claim that when the dominion government, under the terms of union, contracted to carry on the expanding welfare of B.C. Indians, as expressed by the words of the trust, "The charge of the Indians shall be assumed by the dominion government", it was a broad, all comprehensive commitment to save

the people who were sinking in the quicksands of the dregs of civilization in the form of various diseases. The Indians had no defence or immunity against the epidemics of smallpox, infectious illnesses and venereal diseases. The introduction of intoxicating drink brought on excessive debauchery. Tuberculosis brought untimely death to innumerable B.C. Indians, young and old. Stories are told of soldiers in combat, captured and had their hands tied behind their backs and shot. The Indians of British Columbia in the early part of the last century were as defenceless against disease as were the soldiers with their hands tied behind their backs.

In 1871, the dominion government assumed the charge of the Indians of British Columbia, and in many respects, have coped with the situation passably well. For many years there was no systematic programme in treating tubercular patients. When one was stricken with the terrible disease, it was only a matter of time before the end came. The patient was usually in a crowded home, with young children around the patient's bed. There was no proper disposal of the sputum. As a result, young children became infected and many died in their early ages.

It was after the second world war that a serious programme in combatting the disease was inaugurated. Sanatoriums were established in Sardis, B.C., Nanaimo, B.C. and Miller Bay at Prince Rupert. The results have been almost miraculous. The death rate has been brought down to the almost vanishing point. It does not mean that the disease is vanquished entirely, but it means that, where proper treatment is brought to bear on the patient, chance of recovery is almost certain. The Indians of British Columbia are humbly grateful for the tremendous victory of medical science over this disease.

There are, however, many other diseases and sicknesses to battle every day. Infant mortality is high. Other diseases get a firm hold on patients through neglect. The neglect comes through the patient not being in a financial position to pay doctors' fees. In certain areas, medical service is good. But in most areas, it is indefinite. Some Indian patients are treated by doctors without question, while others are told they have to be personally responsible for their own doctors bills. I have many receipts with me to prove where Indian patients pay their own expenses.

The claims of the native brotherhood on behalf of the British Columbia Indians are:

(1) Under the thirteenth article of the terms of union, we are entitled to free medical services in all aspects.

We take that stand broadly and strongly as a contract that was entered into by the dominion government and the province of British Columbia.

(2) All Indians who are receiving old age pensions must have free medical services as well as dental care and spectacles.

This matter has been brought to us time and time again, and therefore we put that in.

(3) The twelve-months period penalty which prohibits an Indian member of a band from receiving any medical service must be abolished when he is away from his own reserve.

(4) If the words "the charge of the Indians shall be assumed by the dominion government" are ambiguous, we must respectfully request that the Supreme Court of Canada be requested to give a decision on it.

Mr. Chairman, ladies and gentlemen, that is in short our brief, and we are prepared to follow it up with explanations and to answer questions as you see fit to ask us.

The JOINT CHAIRMAN (Mr. Grenier): Are there any questions from the committee?

Mr. McQUILLAN: Dr. Kelly, you say that all Indians are entitled to free medical services. As the Indians are moved out from their traditional environment to the world of industry, in many cases they are covered by the M.S.A. program. I have had a great many Indians working for companies with which I have been connected, and they all come under M.S.A. Do you not think that they should pay part of the cost of that M.S.A. program? Do you not think that those Indians, who are earning from \$400 to \$700 or \$800 a month, should pay their own medical services?

Dr. KELLY: Let us get this clear. I would like to make our position as clear as I can. You are asking about some Indians who are being treated under this M.S.A. system to which they pay their dues. That is quite true. Some are doing that. But the Indians of British Columbia are not, as yet, properly placed in society, as I hope they will be. Their work is seasonal. As you know yourself, Mr. McQuillan, sometimes fishing is good, and when it is good every fisherman is wealthy for the time being. It goes to his head and he becomes not only affluent in substance but also in his mind, and he acts accordingly. He finds that, shortly after the new year, his pockets are empty but that the things he needed he has bought for his household use, and he has done what he has longed to do. However, his bank account is at zero and all his money is gone. Possibly at this time he realizes that a member of his family needs medical attention. Now, it is that point with which we are dealing. I know it will be said that medical services are being rendered freely and liberally to the Indians of British Columbia, as they are elsewhere. That has been the history of medical service. It has been a very fine history. I think I can say that there is many an Indian who is living today who would have passed on but for the service which has been rendered to our people. During the past few years this service has become a little insistent. More and more there has been a sort of closure, saying that the federal government or the dominion government through the national health and welfare department and the Indian medical health services are not responsible. Now, we have been told that.

We met with Dr. W. S. Barclay who is the regional medical superintendent of health services in Vancouver, Pacific coast region. He told us this. He not only told us but he read from an instruction he had received from headquarters right here in Ottawa, saying that it was a misconception, that Indians are entitled to free medical services. It was a misconception. I happened to be the spokesman and I said to him: "Dr. Barclay, would you be good enough to supply us with that authority that you have read just now?" He hesitated and he said: "No, I am not going to, but I am going to write to Ottawa and ask that proper information be given to you."

That was on the 26th January last. That information did not come. It never came. Up to the time I left my home that information did not come.

However, some time later we heard from Dr. Barclay and he said: "It would be better for you to write to the minister, the honourable J. Waldo Monteith who is minister of National Health and Welfare Services; write to him and see if you can get up-to-date information on the matter—because as we have said there seems to be a certain feeling of uncertainty about the whole situation."

I wrote to Mr. Monteith and in time I received a reply, a very fine letter. I could read that letter but I do not know whether I should or not. I do not think it is that type of letter, but I think I can give you what is in it. It was not marked private or confidential but I feel when I receive a letter from a minister that I do not want to broadcast it too widely.

In that letter the same thing was stated. The minister started out by saying that the Indian is no more entitled to free medical services than any other Canadian, but the central government has followed the practice and the

procedure of seeing that no Indian who was in need would be deprived of that. All the way, the paragraphs were of that tone—"we are not responsible but we have been doing it, we have been doing it." That was the substance of that letter—that "we are not going to change it".

Dr. Moore, the director of Indian health services, is here and I would venture to say that Dr. Moore is more the author of the letters that have come to us, the instructions that have come to the different agencies, than any other man in Canada.

Mr. BALDWIN: Before we leave this subject, as I read this brief it suggests that the Indians are entitled to these medical services on two grounds, (a) that it is just and proper and equitable that they should have them and (b) as suggested in the first paragraph, that there is the legal obligation. I would like to ask Dr. Kelly about that. He says in his brief that (1) the charge of the Indians shall be assumed by the Dominion government and (2) the policy shall be as liberal as that hitherto pursued by the British Columbia government. In my opinion that seems to raise the whole question of what the Indian has by law. I am not talking of what he should have, of what it is just that he should have, but what he is entitled to by law. He refers to a policy as liberal as that hitherto pursued by the British Columbia government. Does Dr. Kelly know what type of policy was pursued by the British Columbia government prior to the terms of union which he can say is not equivalent to the type of service now being provided?

Dr. KELLY: Mr. Chairman, may I make this confession to you. My hearing is not as good as it might be. It is all right when I am reading or talking, or when someone in front of me is speaking at this table, but it is very difficult to hear others who are more distant.

Mr. BALDWIN: I shall come up and show it to you, Dr. Kelly. I am referring to the sections laid out in the first paragraph and I have pointed out that, in my opinion, you ask for the medical services on two grounds; the first being that it is just, proper and equitable that you should have those services, and the second being that you say there is a legal obligation on the government to provide them. The basis for your suggestion that there is a legal obligation is contained in the first paragraph, is it not? You are suggesting that you are entitled to a policy as liberal as that pursued by the British Columbia government before the thirteenth article was written into the terms of union. Have you any knowledge of the type of policy pursued by the British Columbia government in respect to medical services for Indians, before the terms of union came into effect?

Dr. KELLY: In answer to that I can only say that there was not any definite program of medical services. The British Columbia government under the colonial system, before confederation, gave assistance to the Indians under pressure. For instance, when there was a tremendous epidemic of smallpox—and this happened not once but several times—the British Columbia government provided facilities to combat it. There were no hospitals to which patients could be brought, but they set apart large buildings in which patients were treated, and that was the only definite, systematic care which was given. The patients were housed but I must say that the care given to them was not like the care which is given to patients nowadays.

I read that sentence because it sounds good—"a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after the union". That was the idea at that time and any Indian who needed medical assistance was cared for, though the assistance, by its nature, was very sketchy and limited. Most Indian patients who took ill were simply left alone in a house. Sometimes, if a doctor were available, he examined them but, in most cases, they were left to themselves and in that way they died. I do not know if that answers your question.

Mr. BALDWIN: That is quite satisfactory.

Mr. SMALL: The conditions which you speak about as being in force at that time, were they not part of the general system of handling smallpox cases? In those days they had no serum to provide a preventive cure and so they isolated everyone affected in special houses in order to keep other people from catching the disease. Were they not treated just the same as any other citizen of Canada?

Dr. KELLY: Yes, I would say that. Treatment was not up-to-date. I should add that when I am talking about this I am thinking particularly about smallpox.

Mr. SMALL: About smallpox particularly?

Dr. KELLY: But it also applied to Indians when they suffered from other diseases as well. This is just a guess, but I would say in those days at least 75 per cent of the patients died, who might have been cured. That happened because of the lack of medical care.

Mr. MCQUILLAN: What years are you speaking of?

Dr. KELLY: Around the 70's and following shortly after the 70's. Even after the union, when British Columbia went into confederation, conditions were very much the same in 1871. The Indians were neglected people.

Now, let us be frank about it. To assume charge of the Indians sounds very generous and it has proven to be generous in practice during the last 25 years, but not much earlier than that. As I say, a school service was introduced by the different churches, but not by the government. The government did not contribute anything to the education of the Indians in the early days. A system of education was introduced by the different demoninations, the Roman Catholic church and the Protestant denominations and then, in time, the Indian affairs branch saw the need for enlarging that program and carrying it out as it should be carried out. They began to subsidize the church schools and later assumed responsibility for them. Right now the schools are up-to-date, and I am happy to say that. We have teachers who are trained and are on an equal standing with teachers in public schools.

I might add that in many places where we have no Indian schools, through agreements reached with the provincial governments and with various municipalities, Indian children are now attending the regular day schools in the provinces. Wherever possible that is being done and the Indian affairs branch, through its educational department, is paying per capita costs, not only for the teaching of the Indian children but also for capital expenditures in the way of building new schools. We are very grateful for that and we see a great future in it.

Turning to the matter of segregation, in earlier days an Indian reservation was a segregated place and the people who lived on it were discriminated against. Now, however, for the first time we are reaching a stage at which the Indians are being treated as ordinary people. Their children are going to the schools and are forming friendships with other children who do not say to them: "you are an Indian and you have no business to be here". They play together, they have forgotten their backgrounds and we believe that when these children grow up they will face a brighter future. At the moment what we are principally concerned with is the medical care of our people.

The JOINT CHAIRMAN (Mr. Grenier): Are there any other questions on the legal obligation of the federal government to assume responsibility for medical services?

Senator DUPUIS: I should like to ask Dr. Kelly if he has ever applied to the department of Indian affairs for help in so far as health services are concerned. Did he apply, and what was the answer he received from that department?

Dr. KELLY: Not recently, because the health services are under the Department of National Health and Welfare. We went to Dr. Barclay, who is the regional director, and if there is any man who is qualified to give the information, he is the man. I think I have given you the substance of what he said to us, and the outcome of that.

Senator DUPUIS: It meant that you were refused help?

Dr. KELLY: It is my conception that the Indian is entitled to free medical service. It was not only said, but it was read.

The JOINT CHAIRMAN (*Mr. Grenier*): Of course, you are talking about the Indians living off the reserves.

Dr. KELLY: No, living on the reserves, as well as those who are off the reserves.

Miss LAMARSH: Are you asking for medical services for Indians whether on the reserve or off?

Dr. KELLY: Yes, we take the ground that under the thirteenth article of the terms of union, the dominion government has committed itself to that, and we are asking that to be implemented in a better way than it has been during the past few years. The program has become a little narrower, that is, in so far as giving the Indian free medical service is concerned.

Miss LAMARSH: You are talking about British Columbia Indians? Supposing you have a British Columbia Indian who is working in Ottawa, do you mean then that he is to have free medical services just because he came from British Columbia originally?

Dr. KELLY: There are systems under which an Indian who works off the reserve for any company—

Miss LAMARSH: I mean out of British Columbia.

Mr. SMALL: From one province to another.

Mr. McQUILLAN: If Senator Gladstone came from British Columbia, do you think he would be entitled to free medical service in Ottawa?

Dr. KELLY: It all depends on how insistent he is.

Mr. CHARLTON: Do you know of cases of Indians on reservations who have been refused medical assistance because of the fact that they could not afford to pay?

Dr. KELLY: I do not think I can deny that in its entirety. I believe the medical profession is bound to care for any patient who applies for assistance, and the Indians are treated in the same way. The program of the National Health and Welfare services, so far as the Indians are concerned, has been heading this way. The Indian pays for his medical services.

Senator DUPUIS: If he has no money, who will pay for it?

Dr. KELLY: I have the bills sent down to me, and the doctors have been saying: you have paid so much on your bill and there is still \$65, \$75 or \$100 owing. They said: you are responsible for this. The doctors are collecting this sum from the Indians, not from the National Health and Welfare services. The Indian is the one who has to pay the bill.

Senator DUPUIS: And the Department of National Health and Welfare refuses to pay?

Dr. KELLY: I suppose that in many instances the poor doctor will have to do without the money.

Mr. CHARLTON: The oath of Hippocrates.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know of any cases where the persons who have contacted the department here in Ottawa to have those bills paid, were refused?

Dr. KELLY: I cannot say that, because they deal with the regional superintendents or directors who are appointed for that purpose to deal with those men. I do not think that they have appealed directly to the headquarters here in Ottawa.

Mr. CHARLTON: I think probably Dr. Moore, who is here, could clarify some of these misunderstandings if he could make a statement now.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services, Department of Health and Welfare*): Mr. Chairman, members of the committee, I would like to preface my statement by saying that there is no one in Canada for whom I have more respect than the Reverend Dr. Kelly, who has been an outstanding leader amongst his people during the thirty years ago, that I have been associated with this work.

The point at issue here could be summed up in this way: I think the committee is going to call the department as a whole to discuss the policy. I think at that time the minister could attend and the policy, as laid down, to aid the service to administer could be clarified. The policy that we follow is that Indians, resident on reserves, have access to medical treatment that we provide through systems of appointing doctors. Where there is a large enough area or a big enough group of Indians, we try to put a full-time salaried medical officer there. In those instances we never seem to run into disputes or trouble. Other doctors are employed in various ways, and as you recall the brief presented by the Canadian medical association you will know that there has been a dispute between the fees that we pay and the provincial level of tariff. We have stated to the medical profession that we were underwriting from public funds the care of people who otherwise would not get medical attention. No bill is refused for an Indian resident on a reserve at our schedule of fees. The doctors have maintained the privilege, or the right, to bill for the difference between, for instance, the British Columbia medical association schedule of fees and the amounts that we pay. This is where these bills, that Dr. Kelly has referred to, come in. The medical profession has maintained that they have a right to bill. I have not heard of a case where an Indian was actually compelled to pay. There was a case in the west coast of British Columbia where a certain firm of doctors undertook to take some Indians to court to pay the difference. The case never did go to court; it was withdrawn because they had accepted these cases and had received payment from the Department of National Health and Welfare for those cases. I think they withdrew their case on legal advice.

While I am on the witness stand, I would like to make one or two brief comments, Mr. Chairman. The last paragraph on page 1 is partially true; in fact, infant mortality is high.

It is one of our major problems. We are endeavouring to take every possible step to meet that grim picture. Medical care alone cannot do it. In many, many instances the infant mortality is caused primarily by neglect of the parents, very poor homes and housing conditions. I am not saying that the parents willingly neglect the children but these things are happening that would never happen in a good home.

We feel that we have as adequate public health nursing services on reserves across Canada as there are in any part of the rural population of Canada. In fact we think we have better. We are stressing more and more health education. In the case of every Indian child admitted to hospital, or every Indian child that dies now, we send out a questionnaire to see where the neglect may lie in the case of that child and what circumstances have lead to its illness or death. We are trying to compile all the information and trying to take all the steps we can to overcome these problems. In regard to item 2 on page 2, which states that all Indians who are receiving old age

pensions must have free medical services as well as dental care and spectacles, we are disputing this right across Canada with provincial authorities. In return for health grants, the department feels that there should be no discrimination against Indians, and that the provincial services should be equally applied to the Indian in lieu of the health grants the provinces are getting. We are getting some agreement and I think there is going to be some settlement made on this matter. For this reason we have been reluctant to fully accept this. I do not want the committee to think that these people have been denied these services. If they needed the services they have received them. However, as I explained once before, if some of these things are supplied some small payment is asked for. It is not always received.

Senator DUPUIS: I would like to take the occasion of Dr. Moore being here to ask this. He stated that they are trying to have an agreement with provincial governments as far as these cases are concerned as mentioned in paragraph 2. As a matter of fact, I would like to ask Dr. Moore if he hopes that any provincial government will find themselves obliged to grant these privileges, because Indians pay no taxes at all. They are paying no provincial taxes, so how can the Indians find themselves entitled to this? They do not pay taxes as we do, except outside the reservation. I am talking about Indians.

Mr. McQUILLAN: They pay sales tax.

Mr. CHARLTON: They pay sales tax, and other taxes, except land tax.

The JOINT CHAIRMAN (*Mr. Grenier*): Maybe we should not go on here to this point, because other departments will be here later on.

Mr. CHARLTON: May I ask Dr. Kelly one question?

Dr. KELLY: Pardon me. I would like to ask Dr. Moore a question. Does the national health and welfare services who are responsible for the care of Indians recognize that under the terms of union that were referred to, their responsibility is to see that the health services rendered to the Indians of British Columbia be rendered to them freely?

Dr. MOORE: Mr. Chairman, we have had a ruling from the Department of Justice on this and I can file it with the committee. It clearly states that there is no legal responsibility on behalf of the federal government to provide any medical or hospital services whatever to the Indians of Canada. I have been advised many times not to use the term "legal obligation" and I am only quoting from this document.

The JOINT CHAIRMAN (*Mr. Grenier*): But in fact they are getting those medical services.

Dr. MOORE: Yes; but the only responsibility, as we have been told, is the sum voted annually by parliament to be used for this purpose. We have to confine ourselves to the amount in that vote.

Dr. KELLY: Then there is no definite responsibility.

Dr. MOORE: That is the ruling of the Department of Justice.

Dr. KELLY: The Department of Justice gave you an opinion but not any court ruling on the matter.

Mr. Chairman, as we have said, if the words "the charge of the Indians shall be assumed by the dominion government" are ambiguous, we must respectfully request that the Supreme Court of Canada be requested to give a decision on it. If it does not mean anything, let us have the meaning exactly.

Mr. WILLIAMS: Mr. Chairman, I would like to interject here and make a comment in respect of the statement of Dr. Moore. I do not recall his exact words, but the gist of what he said was that the nursing service in areas where there are Indians is as good as, or better than, any. I definitely disagree. In

the Nass river area there are four villages with a population of better than one thousand with a single nurse to cover the entire river. The communities are a considerable distance apart. In that part of British Columbia there are no good roads, and in some instances she has to travel by open boat. Over and above that she has to go to Terrace and Kitimat by driving over logging roads for over eighty miles. I do not think that is as good a service as that given where nurses are working for people other than Indians.

At Port Simpson there is a field nurse. Port Simpson is one of our largest villages in British Columbia. It has upwards of one thousand persons. The field nurse has a rule, made by herself or otherwise, that patients go to her and that a mother must bring a very ill baby to the dispensary. She never goes out,—never. There was an instance there not too long ago where a mother brought her baby, as was demanded by the field nurse. Fortunately, the R.C.M.P. boat was tied up at the dock and one of the doctors for that area was aboard. The nurse called the doctor up after the baby was brought in. The baby was brought to Prince Rupert, a matter of eighteen miles, on a boat which does not travel as fast as a car. The baby did not live. Therefore, I base my disagreement with Dr. Moore just on those two instances; but there are many instances.

Dr. Moore also said that an Indian is never refused, or words to that effect. We will take the hospital at Bella Coola where the doctor in charge of maternity cases charges the Indian \$50. Provided the doctor feels that the husband in question can pay the sum of \$50, that is the charge. He may charge another person only \$25 for the same type of case. After a certain number of days has elapsed the superintendent calls him in and tells him he owes \$50 which he has not paid and that he will have to work until he has earned the \$50. It is the same with the other person who may have been charged \$25.

Mr. Chairman, our organization is very much concerned and worried about the lack of uniformity in medical treatment. As an example, I will take you to the very settled area of Miller Bay and mention the experience of Richard Morgan, a chief councillor of the Kitwaniga band. He was a fisherman. He was informed by radio-phone, which most of the fishermen have on their boats, that he had a very ill child. He rushed in and took her to Miller Bay. I understand that the men in charge there were medical students. I must say that I am not sure that these were internes but, according to the information I received, they were. He was given pills or tablets and told to take the baby home and keep it warm. They knew that the baby was very, very ill. Fortunately, Richard Morgan is a little more happily situated than many fishermen. He is quite a successful fisherman, and he rushed in his car from the Miller Bay hospital to the General hospital in Prince Rupert. There he and his wife begged for assistance. He said he went down on his hands and knees and begged the nurse in charge to get a doctor for him. After twenty minutes of this, he did not accomplish anything. He said he then went to a private doctor, one who takes care of Indian patients in the city of Prince Rupert. He was advised by this doctor that as he had been at Miller Bay and the General Hospital, there was nothing he could do for him. Then the doctor heard the young infant groaning with its suffering. At this point he did not examine the baby, but said to rush her to the hospital. Fortunately, the baby lived.

The conditions which I have related are those with which we have to contend. There is a definite lack of uniformity and, in many cases, some doctors are not too favourably disposed towards Indian patients.

I learned from Chief Modeste, in the Duncan area, that he was told that aspirin was supposed to cure all the ills of the Indians. This creates a great problem. It is a matter of life and death. These are matters that this committee must explore to its fullest extent and make recommendations to the government which would be favourable to our Indians.

Although we form only about 1 per cent of the population of Canada, we are the original citizens of Canada. We are coming to the point now where we are definitely part of the economic structure of this country.

Thank you, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you, Mr. Williams.

Tomorrow we will hear from the Manitoba Indian Brotherhood, and then the Greater Winnipeg Welfare Council. The briefs have been forwarded to the members of the committee, and if possible I would ask the members to bring them tomorrow.

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, MARCH 23, 1961

WITNESSES:

From the Manitoba Indian Brotherhood: Chief A. J. Cook, President; and
Chief Albert E. Thompson, Secretary.

*From the Greater Winnipeg Welfare Council, Indian and Metis Com-
mittee:* Represented by Rev. Father André Renaud, O.M.I.

From the Department of Citizenship and Immigration: Mr. H. M. Jones,
Director of Indian Affairs.

From the Department of National Health and Welfare: Dr. P. E. Moore,
Director of Indian and Northern Health Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
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Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Hon. J. W. Pickersgill,
Mr. F. J. Fane,	Mr. A. E. Robinson,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, March 23, 1961

(7)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. The Joint Chairman, Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Dupuis, Fergusson, Inman, MacDonald, Smith (Kamloops), Stambaugh.—(6)

The House of Commons: Miss LaMarsh, and Messrs. Baldwin, Cadieu, Charlton, Fane, Grenier, Henderson, Howard, Korchinski, Leduc, Martel, Thomas, Wratten.—(13)

In attendance: From the Manitoba Indian Brotherhood: Chief A. J. Cook, President; and Chief Albert E. Thompson, Secretary. From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs, and Mr. C. I. Fairholm, Executive Assistant to the Director. From the Department of National Health and Welfare: Dr. P. E. Moore, Director of Indian and Northern Health Services.

Chiefs Cook and Thompson were called, and Chief Cook, after making an introductory statement regarding treaty rights and the Indian Act, read the brief of the Manitoba Indian Brotherhood.

The Committee considered the above-mentioned brief paragraph by paragraph and Chiefs Cook and Thompson supplied additional information and were questioned thereon.

Dr. Moore and Mr. Jones also supplied information on various related matters.

At 11.35 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(8)

The Committee resumed at 3.30 p.m., the Joint Chairman, Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators Fergusson, Inman, MacDonald.—(3)

The House of Commons: Miss LaMarsh, and Messrs. Baldwin, Charlton, Fane, Grenier, Korchinski, Martel, McQuillan, Robinson, Small, Thomas.—(11)

In attendance: Same as at morning sitting with the exception of Dr. Moore and with the addition of Rev. Father André Renaud, O.M.I., on behalf of the Greater Winnipeg Welfare Council, Indian and Metis Committee.

Agreed: That the brief of the Greater Winnipeg Welfare Council Indian and Metis Committee be taken as read and included in this day's evidence.

Rev. Father Renaud, on behalf of the Greater Winnipeg Welfare Council, summarized the above-mentioned brief dealing with community development and education of Indians, and was questioned thereon.

The questioning being concluded, Rev. Father Renaud was permitted to retire.

Chief Cook, of the Manitoba Indian Brotherhood, was recalled, and he made a statement dealing with education on Indian Reserves and also made a reference to trap nets.

At 5.25 p.m., the Committee adjourned to the call of the Chair.

M. Slack,
Clerk of the Committee

EVIDENCE

THURSDAY, March 23, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Good morning, ladies and gentlemen. We have a quorum and we will start the meeting.

This morning we have, first, the Manitoba Indian Brotherhood, represented by Chief Cook, who is president, and Chief Albert E. Thompson, who is secretary. We will call Chief Cook and Chief Thompson. The Manitoba Indian Brotherhood has a very short brief, and I will ask Chief Cook to read it to the members of the committee first.

CHIEF ALFRED COOK (*President of the Manitoba Indian Brotherhood*): Mr. Chairman, distinguished and honourable ladies and gentlemen. I am very pleased to be here, and I consider it a great opportunity to bring greetings on behalf of myself, my colleague, Chief Thompson, and all the treaty Indians of Manitoba.

I have a few matters which I would like to discuss before I go to this brief. They regard our treaty promises and rights, and also the Indian Act which I would like to bring up at this meeting. Another thing on which I would like to speak is employment and relief. Those are the three things which I would like to bring before this committee.

First of all I should like to speak of our treaty rights. We have three treaties here. However, reading these Indian treaties, I see that everything that is supposed to be in them is not in them. There are a lot of things omitted which should be in these treaties. I should like to get a copy of the original treaty which was signed by the Indians themselves. I know for a fact that they did not know what they were signing, and I do not think they ever signed this treaty.

However, there is another matter which I would like to speak of. You have heard Indians get up and speak. I have heard them many times at conferences and meetings they have had. They talk about the promises that were made to exist as long as the river flows and the sun shines. I see that these Indian treaties and promises have been broken since then. I have in mind No. 1 and No. 2 treaties. They are practically the same. This is just a memorandum, a parchment, but these are the promises that the Indians are always talking about, and I will read them to you.

The JOINT CHAIRMAN (*Mr. Grenier*): Will you tell the committee what you are reading from?

CHIEF COOK: I will be reading from treaty No. 5 between Her Majesty the Queen and the Saulteaux and Swampy Cree tribes at Beren's river. I will just read part of it.

Senator STAMBAUGH: Is there a date?

CHIEF COOK: Yes, the date is twentieth day of September in the year 1875. I would like to read this most important point which I would like discussed. I will not read the whole thing because it would take me too long.

On page 6 the third paragraph reads:

And further, that Her Majesty's commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distribut-

ing them in families, and shall in every year ensuing the date thereof, at some period in each year to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of five hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition, and twine for nets, for the use of the said Indians, in manner following, that is to say: in the reasonable discretion as regards the distribution thereof among the Indians inhabiting the several reserves or otherwise included therein of Her Majesty's Indian agent having the supervision of this treaty.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say: Two hoes for every family actually cultivating; also one spade per family as foresaid; one plough for every ten families as aforesaid; five harrows for every twenty families as aforesaid; one scythe for every family as aforesaid, and also one axe;—and also one cross-cut saw, one hand-saw, one pit-saw, the necessary files, one grindstone, and one auger for each band; and also for each chief, for the use of his band, one chest of ordinary carpenter's tools; also for each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band one yoke of oxen, one bull and four cows—all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

What I want to say is that you have heard of Indians saying: that is what they mean by their promises. How many of these Indians today get these articles? I myself have been trying, for the last six years, to get a set of tools, and I cannot get them. I want them for the reserve.

Also in the brief here we have Indians asking for cattle to be given to them. If they got these cattle, no doubt they would not ask for it. It was promised in our treaty. These are the things that have been promised to us, and we are not receiving them. That is why the Indians are always grumbling, as some people say. I think we are entitled to what we were promised, and that is the reason we do a lot of talking.

Another thing; some people say: you Indians are better off than the white people. I cannot see that. We Indians have to pay the same tax as the white man. We pay for all the taxable goods; anything that is taxable, we pay for. Royalties are taken out of what we produce—we pay for that. An Indian off a reserve making a livelihood has to pay income tax, he has to pay hospitalization. What advantage do we have over the white man today? We are under two different governments, we have to abide by two different laws—the federal and provincial—and half the time we do not know where we are. One tells us this, the other tells us another thing. So where are we? That is the thing that I would like to bring up to this committee regarding these matters.

The point on cattle which I mentioned appears here in this brief, and the matter of tools; those are two things I wish to speak about. We get the nets, but the tools I have not seen since I have been chief. I have been on the

Bloodvein reserve now almost 37 years. We have received one yoke of oxen and two teams of horses in 37 years. Other bands bring up the same complaint. This is the thing that I want to talk about to the government, and I hope they will look into these promises, because they expect us to abide by our treaty promises and we expect the same from them.

So much for that. I will now go into the question of the Indian Act. I do not know where it was originated. This is what I call a law book; that is what we are supposed to do and what we are not supposed to do. I will read two of these sections, sections 32 and 33 on page 12 of the Indian Act:

Sale or barter of produce

32. (1) A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan or Alberta, to a person other than a member of that band, is void unless the superintendent approves the transaction in writing.

(2) The minister may at any time by order exempt a band and the members thereof or any member thereof from the operation of this section, and may revoke any such order.

33. Every person who enters into a transaction that is void under subsection (1) of section 32 is guilty of an offence.

Now where does that put us? We cannot sell. You have heard of Indians who have no cattle today. Why? Why should they raise cattle when they cannot sell them when they want to? They will get more use from their cattle by eating them. I have heard of a case in Winnipeg where a white man bought a heifer from an Indian. I do not know how much the heifer cost, but it was reported to the superintendent. This man had bought the heifer and was fined \$70, and had to return it to its owner. Do we get a fair deal in these matters? What encouragement do we get? Supposing I have to go 30 or 40 miles to see the superintendent before I can sell the cattle, and in the meantime my family is starving, and the superintendent says, no. I cannot sell the cattle, where am I? This winter I spoke to one Indian and he said that he must have a different act to mine because he can sell his cattle without a permit. I agreed with him that he had a different act because in my act it says I cannot do so.

This is the most important point I want to say it again because you, ladies and gentlemen, will know what laws we are under. I think we have our treaty, and that should be sufficient without the Indian Act. Everything is written in our Indian treaty, the promises and the agreements were signed, so we do not need an Indian Act.

Another thing I want to say is that this Indian Act was formed without my knowledge. First thing we know, we get a new law. When it is written that this concerns Indian affairs I consider that those are my affairs, yet they change this act whenever they please without my knowledge. I think we Indians should be notified whether certain articles in this act should be accepted or rejected. I am against articles which appear in here. I say that we do not need this act as long as we have our treaty, rights and promises. We will abide by our treaties if they also abide by their promises.

There is another thing we want to bring up, we Indians, and there are 130,000 of us in Canada. Why does the government not give us the privilege of voting our own member into parliament, the same as any other nationality? Then we would not have to make these trips here every so often, talking our heads off and perhaps getting nowhere. It would mean that we would have a man here and that we could call upon him to talk for our rights. There

are many Indians who would be well able to sit in the House of Commons with the white man to talk for our rights. We need only one man. Our treaty rights are the only things he would have to look into if he were in the House of Commons. I think it would be reasonable that the government should give us this privilege to vote our own man in to talk for us. That is one thing I would like to see done.

I do not know what the other Indians want in the other provinces. The government would not pay my expenses to go to see what they want in the other provinces. There should be an opportunity for all the leaders—and I am one of them—to meet and discuss matters. It may be that they are talking about different things from mine, and I do not know anything about it. I do not see why the government should not pay our expenses to do that. The government is paying for tuberculosis patients coming into this country. Why cannot they look after their own people, if they can pay for those patients? The government says that these things which are in the Indian Act are there for the protection of the Indians. Very well, I take it that is for my protection.

I received letters from Indians up north, from chiefs, stating that they received a very small price for their furs. We are getting absolutely nothing and the groceries that we buy are at an enormous price, and by the time we have the food paid for the amount left is worthless. If the government is looking after us for our benefit, I would not be here asking that these matters should be investigated. I made reports myself on my own reservation and nothing was done about it. If the government would do this, we would know that they are doing something for us.

The JOINT CHAIRMAN (*Mr. Grenier*): In regard to the matters which you are talking about, are they mentioned in your brief? Is this section 32 mentioned?

Chief Cook: Yes, I think it is, but there are other matters of which I wish to speak.

The JOINT CHAIRMAN (*Mr. Grenier*): I think it is on page 3. In order to proceed in a more orderly manner, do you not think you should read the brief to the committee first?

Chief Cook: There is another thing I want to talk about.

The JOINT CHAIRMAN (*Mr. Grenier*): I do not want to restrict you in any way.

Chief Cook: It will be in here, anyway.

The JOINT CHAIRMAN (*Mr. Grenier*): You are talking about section 32, and this is in your brief on page 3. Would you rather read the brief first and the other matters that are not included in the brief can be brought up afterwards?

Chief Cook: Very well. This is the brief that was made out in Winnipeg on December 8, 1959, when 32 delegates were present from various reserves in Manitoba. The brief reads as follows:

Many children attending day schools in the reserves are not supplied with proper food by their parents due to unemployment. For this purpose we request that noon-day meals be made available to them. We recommend that meals be made available to the school pupils, as above, and that the cost be borne by the federal government.

Many of the children attending school are in need of clothing, particularly in the winter months, not merely for warmth, but to maintain a feeling of self-respect. All this is due to parents being unemployed. We recommend that such clothing be provided and paid for by the federal government.

Suitable homes are needed by many of our aged people. The pension given them does not warrant them enough income to buy homes, and some help should be given them. We recommend that the federal government take whatever steps are necessary to provide homes for the aged.

With the rapid increase of the Indian population in Canada, the areas of land in reserves no longer provide sufficient employment for our people. We recommend that action be taken by the government to find work for our people at general wage rates according to line of work they can handle.

The central and southern Manitoba Indians do a great deal of grain farming, and those in central Manitoba, mixed farming. We recommend that they get enough assistance from the Government to buy seed grain where seed warrant them, and to those in mixed farming enough breeding stock so that they can increase livestock more rapidly. The Northern Indians should get help buying more nets and trapping equipment, as this is the only source of livelihood they are depending on.

All the chiefs and councillors in the reserves do a great deal of extra work in their official duties which prevent them from earning full pay for themselves, thus leaving them no extra money for their livelihood. We, therefore, recommend that adequate monthly payments be provided for them in order that they can fulfill their duties.

The cost of living has risen steadily since the last war, and our veterans with a small allowance are facing hardship due to the high cost of living, and their cases should be investigated and their allowance increased.

We have almost in every reserve a few working for the Department of Indian Affairs in offices, hospitals, schools, etc. When employed we presume they are paying for unemployment insurance. When laid off work we request that they be paid the insurance benefits.

The chief of Norway House, reports that inadequate relief is given to his members, and requests that the full scale of relief be given them. The doctor at Norway House denies patients admittance to hospital, and in some cases they die the next day at their respective homes. He requests an immediate investigation of such cases.

Pensions should be given to treaty Indians when reaching their 60th birthday because an Indian is not strong enough to work a full day after reaching that age due to his hardship at his younger days.

All chiefs and council should be given a preference in R. C. M. Police courts to speak for their people when in trial as it is their duty to do so.

When any of the band council negotiate or requisition from their band funds for cattle, machinery, etc., we presume that the federal welfare should assist in paying the cost at the same rate as the band council is requesting in their requisition.

In some reserves chief and council do not get their official uniform, we urgently request that uniforms be issued every three years. We also recommend that chief and council be kept in his capacity as chief or councillor for a three or four year term instead of the present two year system.

The word "surrender" in the revised act should be out of order, the Indians of Canada never fought the government before a treaty was made with them, they made treaty with the crown with good will, therefore the word "surrender" should not be used.

In some reserves cheques are issued instead of cash at annuity payments. We recommend that cash be paid from hereon.

We have one very important matter to bring to your attention and that is the Sioux Indians in Canada. Those people are Indians and human beings the same as we are and were loyal at the British crown at both 1st and 2nd

Great Wars, also at Korea. They fought for a human cause and should be given consideration due them. We strongly recommend that treaty moneys be paid to them annually.

The Shoal River Indian Band request that a saw mill be given them, in this way they would be able to manufacture most of their building material.

Disabled Indians should be given the same assistance as those receiving old age security, regardless of age. This matter should be investigated.

We request that transportation be granted to all Indians going to hospitals and they should be given the same fare when discharged from the institutions in which they were treated.

Section 94 should be brought to discussion and explained more clearly so that we can all understand its meaning, as worded in the revised act.

We are informed of a party at Sandy Bay reserve who was given a home and lived there for a certain time. He later failed to pay for hydro used at his home due to his being unemployed and was evicted. This case sounds unjust and should be investigated.

With reference to section 12, we would recommend that Subsection (1) (a) apply to all children born effective from the coming into force of the new revised Act of 1951.

With regard to section 32 (1). This section of the act is extremely paternalistic and discriminates against one segment of the Canadian Indian population and we would recommend that this section be deleted from the Act.

With regard to section 88, we would recommend that where a band member so wished his personal moveable property could be mortgaged. In this way, we feel that a new source of credit will become available to Indians living on reserves pay allowing them to provide more collateral.

With regard to section 92 (A) (i) and (ii), we would recommend that the council of a band be given the power to dispose of all materials listed in this section with the exception of minerals. This power could be given to the band councils on the understanding that the materials to be removed should be paid for at the same rate as is paid in the surrounding off reserve districts.

With regard to section 112 (c), it is our considered opinion that the minister should not have the power to enfranchise a band of Indians unless or until a majority vote of the band is in favour.

The JOINT CHAIRMAN (*Mr. Grenier*): Now we will let members of the committee ask any questions, starting at page 1 of the brief, on the first recommendation.

Mr. MARTEL: Do you have any residential schools on your reserves?

Chief Cook: No, we have not.

Mr. MARTEL: That is why the children have to travel back and forth and want to get these meals.

The JOINT CHAIRMAN (*Mr. Grenier*): Now, taking the next recommendation, on clothing.

Senator MACDONALD: This states here that the clothing is not merely for warmth but for self-respect. This suggestion makes a difference between requiring it for warmth and requiring it for self-respect.

Chief Cook: I should think that the words self-respect should not have been put in there, because it is mostly warmth that is required. There are some children who have to walk a mile to school during the winter months, and that is a long way for a six-year old or seven-year old child to go poorly clad. That is the biggest problem we have, getting warm clothes for the children, as the people cannot afford to buy them. The reference to self-respect probably refers to high schools. Some of them are now attending high schools

amongst white children and the parents cannot afford to dress them the same as the other children. I guess that is what this means. At least that is what I understand it to mean.

Mr. CADIEU: Regarding the paragraph about houses, are there no houses built on your reserve at the present time. Each year, are not so many houses being built, with assistance from the government?

Chief COOK: Yes, there are houses built every year. Last year two houses were built, that is for the able bodied, the younger generation. This refers to old age people and says that suitable homes are needed for many aged people.

The JOINT CHAIRMAN (*Mr. Grenier*): In this program are they not giving preference to young couples with families?

Chief COOK: They are, yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know of any cases where a suitable home was refused to an aged couple?

Chief COOK: No. Mr. Thompson might have more information about that than I have. We have not got very many. We have the one old person now who is receiving a pension. There was a home built for a widow. I cannot speak about this but there are other reserves which have complained. I do not know whether they were refused or not. Do you know anything about it, Mr. Thompson?

Chief A. E. THOMPSON (*Secretary, Manitoba Indian Brotherhood, Dallas, Manitoba*): Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): This is just on the question of homes for the aged. If we want you, Mr. Thompson, to give evidence on other points, we will have questions.

Chief THOMPSON: Honourable members of the Senate and of the House of Commons on the joint committee on Indian affairs, I must give you a little of my background to introduce more of myself. My background will date back to 1802. I am a great, great grandson of Chief Peguis, the man who defended the early Scots settlers during the massacre of 1816. He defended them and looked after them and supported them, thinking that his children in the future would be treated in the same way by the white man. He signed the Lord Selkirk treaty in 1817. In 1820 he invited the Anglican church to come into his settlement to teach his people the principles of the Christian faith. In 1860 he passed away and his son, Henry Prince, my great grandfather, became his successor. In 1871 when the transfer took place—we call it the transfer, from the Lord Selkirk treaty to the Queen Victoria treaty—his son stayed on as chief until the death of my great grandfather in 1903. My grandfather, the Reverend W. H. Prince, became chief, the son of Red Eagle or Henry Prince.

From there on we have worked up with the old people. We were kids then. We grew up and now today I am the chief. I was elected just the other day, last Monday, from a councillor to a chief. I am here to represent the Indians of Manitoba and I will do the best I can to explain matters and the complaints pertaining to the Indians of Manitoba. We are trying to do it honestly and fairly. We are not here to put up a fight but we are here to discuss matters in a manly way. Therefore, as far as homes are concerned, I feel very sorry when I enter the old folks homes. I see how poorly these homes are. Our people are unable to build homes for themselves. The young people do not assist them as they are unable to do so since they are unemployed. Even so, they have large families to support and cannot give the old people help in the way of building new homes for them. The government should come to the rescue and provide some homes for the old people in the province of Manitoba.

Our band funds are almost used up on homes in my reserve at Peguis. The department does not want us to use any more of this money on building

materials because our funds are too small. We have only \$28,809.52 in capital left. We have a revenue of \$310.49 in our present band funds. As regards schools, in our agency there are 18 day schools and one junior high school. At Fairford day school there are 94 attending; at Fisher river school there are 92; at Jackhead there are 51; at Lake Manitoba number 1 there are 55 pupils; at Lake St. Martin there are 108; and at Little Saskatchewan there are 64. There are a total of 956 pupils attending.

The JOINT CHAIRMAN (*Mr. Grenier*): The committee would not like to restrict you, but we want to proceed according to the recommendations of the brief. We have asked you here to give your evidence just on the question of homes. Now we will ask the committee to proceed on the other matters.

CHIEF THOMPSON: Very well.

Mr. CADIEU: I would like to ask whether the Indian population is barred from attending the provincial senior citizens' institutions in any province? Is the Indian population barred from attending the senior citizens' institutions for the aged in the province?

Chief THOMPSON: No, they are not, but those homes are overcrowded and it is very hard to get the Indians into those homes.

Mr. CADIEU: But they are not barred?

Chief THOMPSON: They are overcrowded.

Mr. CADIEU: In my constituency they are not overcrowded. I have seen those institutions with additional room, and I was wondering if the Indians were refused admission to these senior citizens' homes?

Chief Cook: Are you suggesting that these old folks should be put amongst the whites?

Mr. CADIEU: Not unless they are willing—when they are destitute.

Chief Cook: Those old folks would be lost among the whites.

Mr. KORCHINSKI: May I carry that on? Are you in favour of keeping them confined on reserves?

Chief Cook: Yes, the aged. I think the government should build a home for aged Indians as they do for the whites. As Mr. Thompson said, some of the department officials say: why do not the young people keep them? The young people are on relief today; how can they look after their parents when a lot of them are themselves asking for relief?

Mr. KORCHINSKI: It seems to me that if you are going to build these homes for the aged on the reserves, you are going to continue to segregate the Indian population from the white. If you are going to maintain these homes, you will continue this indefinitely. Is that what you want?

Chief Cook: For the aged, yes, because we know that when a person gets to that age he wants to stay where he or she was born and raised, and he wants to die there.

Mr. KORCHINSKI: Let us carry it further, let us take a middle-aged Indian who has gone out and left the reserve. When he gets older, does he go back to the reserve?

Chief Cook: That will be up to him. The majority do not want to leave the reserve.

Mr. CADIEU: Do you not think, Chief Cook, that it would be very hard to administer these homes on the reserves, as the population would not be large enough? We are having trouble now to finance, operate and staff senior citizens' homes, and if we segregate the population it would be that much more difficult.

Chief Cook: I would suggest here that it does not have to be a big building with a dozen or more rooms. You could house those aged people in an ordinary house with five or six rooms and have one person look after them.

Senator DUPUIS: Mr. Chairman, may I ask the chief if the Indians are allowed to go into the aged homes with the white people when they have no money? Are they allowed to go into the white people's homes for senior citizens?

Chief Cook: Do you mean from the band or from the department? Whom are you referring to?

Senator DUPUIS: From the band.

Chief Cook: But they do not want to go. They have the privilege to go, but they do not want to leave their grandchildren. They want to say with them.

Mr. HENDERSON: You cannot blame them; it is only natural.

The JOINT CHAIRMAN (*Mr. Grenier*): Any other suggestions?

Mr. KORCHINSKI: My question is on the fifth paragraph, the one dealing with mixed farming. You state in this paragraph that you think the government should give more assistance to buying seed grain where it is warranted and, where they carry on mixed farming, enough breeding stock to build up a herd. Earlier this morning you mentioned that the Indian does not care to build up these herds; he would rather eat them because he thinks he would get more benefit this way. How do you build up the herd?

Chief Cook: This section in the act should be taken out. I said that at one time the Indians had cattle, but when they had to get permission to sell them, they could not very well go all the distance for the permission to sell them. So they started eating the cattle. If that is taken out, it would be much better.

Mr. KORCHINSKI: My information would lead me to believe that in many cases a lot of these cattle were sold unnecessarily. I am sure you must be aware of cases where Indians have been known to make deals on a whole herd for \$75, or whatever they required at the moment. Because of that, it was for the protection of the Indian and his family that this particular section of the act was put in.

Chief Cook: I have never read that part of it.

Mr. KORCHINSKI: I have actually seen that type of thing happen.

Chief THOMPSON: That is the permit system. I was on the council when this permit system was done away with. We have no permit system on our reserves and, at Fisher river as well, everything has gone smoothly. The people know how to handle this. They do not sell their cattle every day. They only sell the animals that are too old. They can sell the cows and steers any time when they are three years old, and that would make a profitable bargain. So, therefore, we were allowed to discontinue the permit system on our reserve. This has been going on for five or six years, and everything is going very well. On the other reserves, however, they are still using the permit system.

Chief Cook: I cannot understand why some reserves get this benefit and others do not, why one reserve is allowed to break this law and the other has to abide by it.

Mr. KORCHINSKI: Can we ask Colonel Jones to say something?

Mr. JONES: There are two bands in western Canada that have applied for exemption from section 32, and the minister approved it in both cases. The bands have applied to be exempted from this provision of section 32, the Peguis and Fisher river bands.

Miss LAMARSH: May I refer to the treaty which the chief read? He was specific about the number of implements to be given to the band. Has that been abrogated by the Indian Act to the point that the Indians are no longer entitled to get them?

The JOINT CHAIRMAN (*Mr. Grenier*): I believe Colonel Jones could answer this question.

Mr. JONES: I think the way the treaty is worded, certain implements and cattle could be given the Indians immediately, and that would be for all time. I do not think that you can now compare the small cost mentioned in the treaty of 1875 and the amount of money spent by the government for the general welfare of the Indians. There are provisions for lending money for cattle or, in some cases, giving the cattle outright. In other cases the parent stock is passed along to help the Indians who really want to farm. Our present administration is not geared to consider the terms of the original treaty where these items were all spelled out. Does that answer your question, Miss LaMarsh?

Miss LAMARSH: Yes, thank you.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on recommendation No. 6?

Mr. HOWARD: Mr. Chairman, I would like to ask Chief Cook if he has any idea as to the amount of money that might be provided on a monthly or annual basis for their duties and functions as councillors?

Chief COOK: About two years ago we presented a brief here, but apparently that brief was disqualified, it was not in order. At that time we suggested that a chief should get at least \$300 paid annually. After all, a chief has a big responsibility on the reserve. He has to look after the welfare in general. He is a law officer, but at the present time he only gets \$20. In our treaty it says \$25, but they took the \$5 out. I think it would be a very small wage for a chief to live on for the work he does. After all, the chief has a big responsibility. In our last brief we asked for \$300 a year. Twenty dollars a year would not feed him.

Mr. KORCHINSKI: Could I ask you whether you would agree that perhaps a chief should be paid according to the number of meetings that are held on the reserve, or something of that nature, similar to what we have in our municipal councils?

Chief COOK: That would be hard for some men. Some men do not have meetings very often. I myself, for instance, have no reason to have meetings too often because the band is small and whatever I tell them they go along with, without having a meeting.

Mr. HOWARD: Do I understand you, chief, to say that some councillors have been receiving \$25 and it was reduced to \$20?

Chief COOK: It was in the Indian treaty, but we never saw that. In the No. 5 treaty we were promised \$25, but we get \$25 including our treaty money. This \$25 included the treaty money.

Mr. BALDWIN: Could you tell us, chief, about how many days in each year, from your own experience, are devoted exclusively to your work and your duties as a chief?

Chief COOK: 365, and 366 in the leap year.

Chief THOMPSON: What we are asking for is that a wage rate be allowed to the Indian chief and councillors. In our band we were told to take this money from the band if we want to increase the wages of the chief and councillors. We have to have a meeting once in a while and we have a great deal of work. I do not think any of you gentlemen would work for

\$20 a year. We have just as much responsibility on our reserve as any official who does his duty. I think the wage rates to the chiefs and councillors should be increased.

Chief COOK: \$300 is not asking too much. How many gentlemen here would work for \$300 a year; put up your hands.

Mr. CADIEU: What is the population on your reserve?

Chief COOK: 180.

Mr. CADIEU: Does that include everybody?

Chief COOK: Yes.

Chief THOMPSON: My population is 1,529.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on recommendation No. 7?

Mr. MARTEL: Was the allowance for veterans increased? Does that apply to Indian veterans as well?

Chief COOK: If that is so, I have not got my increase.

The JOINT CHAIRMAN (*Mr. Grenier*): Was this written before?

Chief COOK: I cannot say anything in regard to the veterans allowances because I get my full benefit, \$120 a month, and I also get \$10 for each of my children who go to the school in Winnipeg. This makes my cheque \$140. I cannot complain about that.

The JOINT CHAIRMAN (*Mr. Grenier*): Are you aware of the last increase?

Chief COOK: I am not.

Mr. HENDERSON: What regiment were you with?

Chief COOK: In the fighting fifth, have you heard of them?

The JOINT CHAIRMAN (*Mr. Grenier*): Is there any question on No. 8?

Mr. HOWARD: Chief Cook, in the last paragraph here it says:

We have almost in every reserve a few working for the department of Indian affairs in offices, hospitals, schools and so on.

Are you referring to a few Indians?

Chief COOK: Yes, Mr. Thompson will answer that question. We have not got anyone on Indian affairs in my reserve, so I will leave it to him.

Chief THOMPSON: We have a few working in the hospitals, we have some stenographers and some teachers.

Mr. HOWARD: These are Indian people?

Chief THOMPSON: Those are all treaty Indians. When those people who are working in the hospitals are laid off, they should be given preference and should receive benefits from the unemployment insurance commission. This is what we refer to here. We would like to see this reviewed and investigated thoroughly so that each employee who is laid off gets the benefit when unemployed.

Mr. HOWARD: I only asked whether or not you were referring to Indians in order to ask another follow-up question.

Chief COOK: Yes, this refers to treaty Indians.

Mr. HOWARD: I have heard a number of suggestions, and I think it exists in some cases, that an attitude of discrimination exists against the Indian people, even though they were working in the Indian affairs branch. Have you experienced this sort of thing? Do you feel that this exists?

Chief THOMPSON: There is no discrimination. As far as our Indian people are concerned, they get along well with the white people because segregation works well in that part. In fact, we were born and raised with white people

on our reserve. Our people lived with the white people for over 150 years. We know how to get along with the white people. There are a lot of reserves where they do not see many white people. The difference is there. Many of them did not get along well with the white people, but later everything was better.

Chief Cook: I have no complaints about the Indians not getting along with the white people.

The JOINT CHAIRMAN (*Mr. Grenier*): I think Mr. Howard was talking about discrimination in this affair of the unemployment benefits.

Mr. HOWARD: No, Mr. Chairman, I was not talking about the possibility of discrimination by white people, with whomever they associated; but do you feel that an Indian working in the Indian affairs branch has equality and the same opportunity as the non-Indians within the Indian affairs branch?

Chief Cook: I cannot answer this question because I never had contact with any Indian who was working in the Indian affairs branch.

Chief THOMPSON: We have a few working for the Indian affairs branch.

Chief Cook: I know of other Indians working in other employment who get along very well with the white people.

Mr. CADIEU: The way this paragraph is framed here, it would appear that Indians being employed by the department of Indian affairs are not receiving income tax deductions, whereby they are qualified for unemployment insurance when unemployed. Is that the case?

Chief THOMPSON: I think some get an allowance.

Mr. CADIEU: I am not speaking of the allowance. The question is, are they paid proper deductions? I would like Mr. Jones to answer this. I have quite a number of Indian people employed in the Indian affairs branch and also in hospitals and schools, and I was under the impression that they paid deductions for unemployment insurance the same as to any other individual, and that they received benefits if they were unemployed.

Chief THOMPSON: Not on our reserve.

Mr. JONES: With the exception of hospitals, which I cannot speak of, the Indians, if they are employed and insurable, pay their premiums and are eligible for unemployment insurance. There is no discrimination. An Indian is eligible just the same as anyone else.

Mr. KORCHINSKI: Could you cite cases which might explain this?

Chief THOMPSON: I will refer to other employment. There was a man on our reserve who applied for benefits and he had every reason to expect benefits when he sent in his application, but just because he went to work for a little while, the commission turned him down.

Mr. KORCHINSKI: But he was not turned down specifically because he was an Indian?

Chief THOMPSON: The same as a white man. He had a good reason.

Mr. HOWARD: I do not want to stop you, but there are a number of conversations down here at the table which make it difficult for me to hear.

Chief THOMPSON: I brought this case along with me so that someone will investigate it and give that poor man his benefits.

Mr. KORCHINSKI: This is one particular case which the Department of Labour should take up, but I do not think this applies generally.

Chief Cook: No. On this matter of insurance benefits on my reserve and on many other reserves, the man who has sufficient stamps will have no trouble, whether he is an Indian or not.

Miss LAMARSH: The first paragraph on page 2 is rather shocking. One part of it refers to the doctors, denying patients admittance; and the second part refers to people having died from the lack of treatment. I wonder if Chief Cook has documentation on this, on what he alleges—to support this allegation.

Chief Cook: Did you get a report from the chief at Norway House on this, Mr. Thompson?

Chief THOMPSON: No.

Chief Cook: No, we have not anything at the present time. The information was used at the conference. We took what was said there, and spoke on it.

Senator DUPUIS: How can the chief explain that paragraph?

Chief Cook: I will speak on the matter of relief. We get relief. Very well, but the relief we get is inadequate. That is true enough. Take the question up north where the cost of living is very high. When a man is allowed \$22 a month to live on and a woman is allowed \$18 a month, any gentleman in this house could go out there and try to live on that amount and I feel he would come back within a few months with his cheekbones sticking out farther than mine are.

Senator DUPUIS: We are not talking about how much money he needs, but we want to know if he can substantiate the facts when he says that a doctor refused to receive an Indian at the hospital.

Chief Cook: According to this chief's reports—I am quoting what he said and it has been quoted in this brief.

The JOINT CHAIRMAN (*Mr. Grenier*): Did you have any specific cases?

Chief Cook: No; there is no written proof on that. It is just my word. We did not think we would have to have that here. There are doctors all right, of course, I can say that myself. I will give an example. I heard here that the Department of Health and Welfare was running short of funds, not long ago, in one of these sessions. Very well, we have a doctor who is flying out there. In fact, I got after the doctor and I spoke to him and spoke not very kindly. It was reported to me by the chief at Beren's river, Stan La Ross, that he wanted to see this doctor, the doctor we have at the present time. The doctor asked him to come down to the plane, but the chief did not go down. The chief did not see why he had to walk down to see the doctor, when the doctor was being paid by the government. He thought the doctor should go to see the patient. He came along to my reserve and he was in the plane. He said he was the doctor and I asked him what he was doing there and why he did not go to see the patients. He said he did not have to go. I said "You call yourself a doctor?" He said he was not paid by me. I said I knew that he was not paid by me, but he was paid by the Indian department to look after the Indians. We got into it hot, and it was not long after that he came along.

My wife wanted to see him. We have one little girl there about eleven years old and she wanted to have a tooth out. He asked my little girl to come down to the plane and he would pull the tooth out.

Senator DUPUIS: Did you complain to the department of Indian affairs about that?

Chief Cook: I did. That is my first complaint, just now. I am coming with the complaint. We had another case of a man who was flown in twice. He was taken to a Pine Falls hospital; they kept him and sent him to a private home. That same man was not back a week when he had the very same sickness again. The welfare teacher we have there—Mr. Jones will know who I am referring to, I will not mention any name but Mr. Jones will know—wrote to

the doctor and sent word in. They sent word out that the plane would be back on Saturday or Sunday. That man was still there when I left. I took that very same man to the General hospital with two policemen. I did not want to go with them but it just happened that way. This man is not an epileptic but I think it was something similar. The doctor says he has something which affects his brain, and that he needs attention. They took him to the General hospital in Winnipeg. I happened to hear mention of it and I said I was going to the Indian office in Winnipeg. He said he would come with me. He came along and we went to the Indian office to see—not Mr. Leslie, but the man there before him; Mr. Jones will know to whom I am referring—the man before Mr. Leslie. We walked out of there. Just as we came down the stairs we met two policemen. One asked was he Oliver Fisher and then said: You are the man we are looking for. I said I happen to be his chief. He said the man would have to come along, that this man got out of hospital, that he had beat it from the hospital. They took him back. The doctor said to me that he had that man there and that they could do something for him. The doctor told me that if that man got the same thing again we were to bring him back and that they would try and fix him up. They said they would give whatever help they could, but they never took him back. And that same man is out there today. Perhaps some chief at Norway House has the same complaint as I have.

Chief THOMPSON: We have the same complaints.

Mr. CADIEU: The first paragraph on page 2 says that the chief of Norway House reports that inadequate relief is given to his members and requests that the full scale of relief be given to them. Does the witness think it would be fair that relief should be paid equally to every family, regardless of what income they may have? I think the statement made here is an unfair one. I have visited a lot of reserves and I have visited some places where some help may be needed, even a small amount. Does the witness think that every individual member should be paid the same amount of relief?

Chief Cook: I have stated the relief which is given to the people, especially in the north where the cost of living is high. A man is allowed \$22 a month relief. Now take the women,—and I know that some women are far greedier than men, and they get only \$18 a month. The ladies will excuse me. I am not meaning to insult anybody, but I speak of this especially in the north where there is a high cost of living.

The Joint CHAIRMAN (*Mr. Grenier*): The question Mr. Cadieu put was whether you think that all Indians should receive the same relief.

Chief Cook: An equal amount.

The Joint CHAIRMAN (*Mr. Grenier*): No matter what other income they have?

Chief Cook: Yes. That would raise the relief or the rations or whatever they call it.

Mr. CADIEU: On the second question, I think this is very unfair and should be more substantiated. I had cases where I found it my duty to investigate complaints. These complaints came that women had been turned away from the hospital by the matron, where there was not a doctor at this place, and where someone was expecting a child and the baby was born out of the hospital a few days later. I went into the case. I went to the matron and inquired, and she told me that so many of the expectant Indian mothers would like to get into hospital so far ahead of time that they did not have available space for them. The last part of this states that men died. I think there should be some substantiation of statements like that, so that we could follow them up. Some specific case should be given. We would like very much to know if this kind of thing is happening. It is unfair that these statements should be made here without being substantiated.

Senator INMAN: How far is the hospital from this reservation? Is it on the reservation?

Chief Cook: It is away from the reservation and they have to go across a lake.

Senator INMAN: How far?

Chief Cook: It is all of two miles, and you have to go by motor to get there. It is not on the reservation at all. If it is an Indian hospital, it should not have been built away from the reservation. They have the same at Little Grand Rapids. As it is, one has to cross the lake. It is about two miles across the lake. What are people to do in the spring of the year when the lake would break up, or at freezing time?

Mr. BALDWIN: All this is based on a report of December, 1959, a year and four months ago. Some of these complaints relate to Norway House. I wonder if the chief of Norway House might be invited by Chief Cook to write to us and we can see if there are any complaints. Then, later on we may have the officials here of the department of Indian affairs.

The JOINT CHAIRMAN (*Mr. Grenier*): Perhaps we could hear Dr. Moore.

Dr. MOORE: I have not heard a case such as this. I will certainly investigate it and will send a telegram this afternoon to get the information.

The JOINT CHAIRMAN (*Mr. Grenier*): It was never brought to your notice?

Dr. MOORE: It was not brought to my notice. I will send a telegram this afternoon and find out the details. This is supposed to have happened prior to 1959.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know in what area it happened, or the name of the person?

Chief Cook: No, I have no name. That was reported to us on the date of this brief, December, 1959. It would be in October. This brief was made out in December. Yes, that was the day we had the meeting, December 8. It was reported to us at the meeting, when we had a meeting of all the chiefs. We were sent back to get all particulars, and that we have done. These are some of the complaints. We have just quoted what they said.

Miss LAMARSH: I am intrigued by the paragraph referring to uniforms. Does every chief on every reserve get a uniform?

Chief Cook: We are passing some of the paragraphs. We will come to that later on. The next should be pensions.

The JOINT CHAIRMAN (*Mr. Grenier*): Miss LaMarsh is asking a question about uniforms—does every chief on every reserve get a uniform, every three years?

Chief Cook: As far as I know, yes. I know I receive mine, but I do not know about all of them. I do not know if all of them get uniforms. I was asked if I wanted a uniform or a business suit. This year I got a business suit. I think some chiefs never received a uniform, according to these reports we got in.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know of any practical cases where chiefs did not receive their uniforms?

Chief Cook: Yes, the case of Shoal river reserve. I never received my uniform, of course.

The JOINT CHAIRMAN (*Mr. Grenier*): What is the name of that chief?

Chief Cook: They might have changed, they might have had an election since then, they might have a different chief. If so, that chief probably is replaced by another one. That is why we are so behind with these briefs. They should have been presented last year during the session. I do not know what the holdup was. The briefs were supposed to be in when we had the session.

Mr. HENDERSON: I am pretty positive that the Indians in the Cariboo, where I am, do not get uniforms. I was out there and saw the chief and he wore only a sweat shirt and a pair of pants.

Chief Cook: There are many complaints about not getting uniforms.

Mr. WRATTEN: Perhaps Mr. Jones could tell us.

Mr. JONES: I would like to set the record straight on this. Uniforms are supplied to chiefs and councillors in Canada, where it is prescribed by treaty. That is the only place. They used to be provided with uniforms, and then at the request of a lot of the chiefs and councillors a business suit was supplied in lieu of uniforms—but this is only in the treaty areas.

Mr. KORCHINSKI: That is in addition to the \$20?

Mr. BALDWIN: The chief says in his brief that all chiefs and council should be given a preference in R.C.M.P. courts to speak for their people. Possibly he may not know it, but under the Criminal Code, in the case of summary convictions and summary trials, anyone accused has the right to be represented not only by counsel, but by an agent. Therefore, at any time any of their people are in a police court on a charge, the chief has the right, under the Criminal Code, to speak as their agent.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know of any cases where this was denied?

Chief Cook: I know a case, myself. Three years ago I had a case. My boys were not getting a fair trial so I got up and asked if I could talk on that.

The JOINT CHAIRMAN (*Mr. Grenier*): What kind of a case was it?

Chief Cook: It was a drinking case. It was only a little trouble over drink.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you know what the charge was against them?

Chief Cook: Drunk and disorderly. The point was that the men who reported this case were doing the same thing themselves, but those men were on the good side of the law, while the other fellow was getting it. I got up and I said to the R.C.M.P. and to the police magistrate, who is a welfare teacher as well, "Can I speak?". He told me I could not, that it was a court case, so I sat down. Then the band had to collect \$70 the next day and I went to see a lawyer in Winnipeg and the lawyer told me that the next time that I saw one of the men not getting a fair trial I was to get up and speak for him, and that I could say I was told by a lawyer to do so.

The JOINT CHAIRMAN (*Mr. Grenier*): Did you report that case to the department?

Chief Cook: What is the good of that? I report many cases to the department and they laugh it off. I have reported many cases.

Senator DUPUIS: Were you a witness in your son's case?

CHIEF COOK: It was not my son at all.

Senator DUPUIS: The accused?

CHIEF COOK: I was not a witness. I was just a spectator. But I did not know any better then.

Senator DUPUIS: You did not know anything at all about the facts?

CHIEF COOK: No.

The JOINT CHAIRMAN (*Mr. Grenier*): You were his chief.

CHIEF COOK: I was his chief, and I was refused. Since then I have taken this up with the police marshal and I have told him out straight, "No more of that." That is two years ago, and we never had a court case since. Before that court case there were often other cases.

CHIEF THOMPSON: I know of a case which happened a month ago. The J. P. entered the house of one of the councillors and threw him out of the house situated on the reserve. He told him to get on the highway and go back to where he came from. We were going to sue him, but the magistrate got cold feet and never did anything, and called off the case. There are many things like that.

CHIEF COOK: It is set out in the old act, and that is why I am against changes in the act from year to year. It says in the old act that there are four or five things, to the best of my memory, for which a policeman can go on a reserve and make an arrest. Outside of that, he has to get permission from the chief. I do not see that in the new act. I suppose that was too much, that we should be able to stop the police.

CHIEF THOMPSON: There are three matters—murder, rape, theft. Those are cases where the chief in council cannot stop a policeman entering to make an arrest.

CHIEF COOK: Now it seems that they can come in and make any kind of an arrest.

MR. HOWARD: Would Chief Cook explain what is meant by this particular item, as I did not get the intent of it. It is paragraph 4, on page 2. It says:

When any of the band council negotiate or requisition from the band funds for cattle, machinery, etc., we presume that the federal welfare should assist in paying the cost at the same rate as the band council is requesting their requisition.

CHIEF THOMPSON: We had many of these. We asked the department to help us in bying livestock for our members. We wished the department to help us on that, as we have very interested farmers on the reserve and they would like to get ahead and do some farming—mixed farming, grain and livestock—so we have a few of them going right ahead with it. We are getting that assistance in our reserve, and I am asking that more help be given to us because the men are doing well now who are on that plan of assistance they are getting from the department.

MR. HOWARD: Could I put it this way, to see if it is correct? If band funds provide \$100, then you ask the Indian affairs branch to provide \$100 also?

CHIEF THOMPSON: Yes.

MR. HOWARD: You want 50-50 participation?

CHIEF THOMPSON: Yes.

Senator DUPUIS: Are there many farmers on your reserves?

CHIEF THOMPSON: Very few.

Chief COOK: Not all reserves are suitable for agriculture.

Senator DUPUIS: The majority of Indian farming is good farming?

Chief THOMPSON: Oh, yes. My statement has been verified. This is at Fisher river, but the Peguis are bigger farmers.

Senator DUPUIS: Is any white man allowed to go on the reserve?

Chief THOMPSON: Under our location system, we could rent land to a white man on a one-third crop basis; he keeps two-thirds.

Senator DUPUIS: In your reserve, how many white farmers are there?

Chief THOMPSON: I could not give you the figure but there are a few using reserve land.

The JOINT CHAIRMAN (*Mr. Grenier*): May I have your attention, gentlemen? This morning we have also called the greater Winnipeg welfare council. I do not think we will be able to hear the greater Winnipeg welfare council

before 12 o'clock. Would it be agreeable to the committee to sit this afternoon at 3.30? We have Father Renaud to present a brief for the greater Winnipeg welfare council. Is it agreeable to the committee?

Agreed.

We will carry on to No. 5. Five was covered by the question by Miss LaMarsh. No. 6?

Senator MACDONALD: Mr. Chairman, I think No. 6 reads that in some reserves cheques are issued instead of cash. We recommend that cash be paid. I take it that those are government cheques. Why should you have that paragraph there, because a government cheque is negotiable anywhere. What is the difficulty?

Chief COOK: As far as I know, I cannot answer this question because as long as I have been living on my reserve I have never received a cheque for treaty money payment. I have received government cheques for other employment, such as different kinds of labour and work like that. As far as the treaty is concerned, I was never given a government cheque.

Mr. KORCHINSKI: You personally have not experienced difficulties with these cheques?

Chief COOK: They are just as good as gold.

Chief THOMPSON: It was tried in my reserve, I forget what year, when cheques were issued instead of treaty money. That did not work out right because when they looked over the census on the reserve, there were some children born a month before the treaty payments. Those children were left out until the following year and they were only given \$5 the following year. They did not get the \$5 they should have received for the new-born children.

Mr. KORCHINSKI: The fact that they were issued cheques, indicated that they had a record. Otherwise, you would have difficulty in keeping a record.

Chief THOMPSON: But the cheques left out one payment. They did not get the \$5 for that year.

Mr. KORCHINSKI: You are not answering my question.

Chief COOK: The child was born a month before the treaty payment, and he is entitled to the treaty money that year.

Mr. KORCHINSKI: When you have a cheque issued, it is on record.

Chief COOK: I do not know when the cheque is made out until the people are there to collect it.

Chief THOMPSON: I will say my wife and I, we each get \$5, and \$5 for each of our children. We were all paid that money. We get \$20 for the family. However, a child born a month before the payment, is left out and does not get the money. The following year he only gets \$5 instead of getting the \$5 for the previous year.

The JOINT CHAIRMAN (Mr. Grenier): Are there any questions on No. 8?

Mr. HENDERSON: I would like to ask about the Sioux Indians. Why does it mention Sioux Indians?

Chief COOK: We consider Sioux Indians, who are in Canada now, as treaty Indians. They are under the same jurisdiction as we are as treaty Indians. They are considered by the Indian department as treaty Indians, and they should be getting treaty money as well as we. If they cannot give them treaty money, give them homes.

Mr. HENDERSON: Do they not get it? Does this bring in that group of Indians who live in Portage la Prairie? They come over South or North Dakota. I was raised in that area.

Chief THOMPSON: I think those Indians should be given preference as we are, in receiving that treaty money.

Chief Cook: I was on that Long Plain reserve. As I was telling you, my wife paid a visit to a friend, a very nice Indian woman. This woman was actually ashamed to take her into her home. It was just a small house, but I would say it was not more than sixteen by sixteen. She was ashamed to take my wife into her house and told her so. I was up there and I know how poor their homes are. The government should help these people. If they cannot give them treaty money, they should give them homes. There is no timber there, and I think those people should be helped and given homes, at least. The government should do this for those Indians.

Mr. HENDERSON: I said a while ago that these people do not have much timber, yet so many Hungarians are brought over, and other people are looked after in T.B. hospitals, and so on.

Mr. KORCHINSKI: What do these people do as far as providing for themselves is concerned?

Chief Cook: They do a little farming.

Mr. HENDERSON: They do not do much farming; they thresh in the fall.

Chief THOMPSON: I was at Oak river, and there is no timber there of any kind. I saw some homes with mud roofs and rain leaking in. They buy two by sixes for the corners and they use small rails and nail them to those corners as frames, and then they put plaster on top. The homes they have are not very warm. They are in a rough shape.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on No. 9? No. 10? No. 11? No. 12?

Mr. HOWARD: Mr. Chairman, section 94, is that the section of the Indian Act which deals with liquor and prohibits an Indian from being in possession of liquor. The following section qualifies this to say that he can be in possession of liquor in certain circumstances. I wonder if Chief Cook could give to the committee an understanding as to whether or not he thinks it would be better to eliminate all the restrictive provisions in the Indian Act which deal with liquor?

Chief Cook: Yes, I do.

Mr. HOWARD: The Indian people and the non-Indian people should have the same rights and responsibilities?

Chief Cook: Yes, for the reason that the Indians now are allowed to go into the beer parlours and get their beer there. But they are not allowed to take it on the reserves. Therefore, some Indians buy a case of beer and go into the bush or take it into some private home. They get drunk there and then they go out to get some more; whereas if he was allowed to take it home and drink it there, he could go to sleep and might only wake up with scratched eyes from his wife; but that is nothing.

Mr. HOWARD: That is one of the responsibilities I was talking about.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on No. 13?

Mr. KORCHINSKI: I was going to ask whether this has been reported for investigation to the department? We have not got any details here, so I think we should report this type of thing, and if it has merit it will be looked into.

Chief Cook: The case was not reported to the officers.

The JOINT CHAIRMAN (*Mr. Grenier*): Mr. Howard, did you have a question on 13?

Mr. HOWARD: It is substantially the same as Mr. Korchinski's.

The JOINT CHAIRMAN (*Mr. Grenier*): Recommendation 14. Page 3. I believe the chief has dealt at length with this section, and it is covered quite thoroughly.

Mr. CHARLTON: Mr. Jones gave an answer to that.

The JOINT CHAIRMAN (*Mr. Grenier*): Second paragraph on page 3.

Miss LAMARSH: I would like to inquire—the individual Indian's income is so low and they mortgaged their personal property; how will they be able to pay off the mortgage?

Chief COOK: I think this mortgage is strictly against the Indian Act. It reads that they cannot mortgage their property. They can do that only with the consent of the superintendent or the supervisor, or whoever is in charge. For that reason, if they mortgage their land they will certainly not get enough money to pay the mortgage.

Mr. HOWARD: Is Chief Cook talking about land or movable property?

Chief COOK: Land and movable property as well. If he mortgages movable property, he might as well consider it lost.

Miss LAMARSH: You are asking that he should be able to do that?

Chief COOK: A new sort of credit. It is more like a loan to be given.

Miss LAMARSH: That is not what it says.

Chief COOK: That is what it should read. Surely, if an Indian mortgages his property, or whatever he owns, it would be a pretty hard proposition to redeem it.

The JOINT CHAIRMAN (*Mr. Grenier*): Your brief only mentions personal movable property.

Chief COOK: That is the same thing, whatever it is, implements, furniture and so on.

The JOINT CHAIRMAN (*Mr. Grenier*): You do not want to include land in that?

Miss LAMARSH: Mr. Chairman, why are you asking in your brief that they be given the right to mortgage movable property? They cannot pay it back, and to mortgage it means they will lose it. Why are you asking that they be given this right?

Chief COOK: Chief Thompson will answer this question better than I can. Movable property to be mortgaged is on loan—that did not include land. We are asking that we be given a better chance.

The JOINT CHAIRMAN (*Mr. Grenier*): The question is: why are you asking that the Indians be allowed to mortgage movable property, if their income is so low that they will not be able to pay back and will lose the movable property that they have mortgaged?

Chief THOMPSON: The reason is so as to give them a better chance to buy more implements.

Miss LAMARSH: In order to earn more income, so that you can pay it back?

Chief THOMPSON: Yes.

Mr. CHARLTON: I think the question is that they are asking for permission to buy on credit, the same as anybody else.

Chief COOK: But then this year the priority is going to be for security, according to this.

Mr. HOWARD: This clears a lot of the problems; but I was wondering, apart from buying goods on credit, do you find that you experience any difficulty with revolving loan funds? How have you fared there?

Chief THOMPSON: We are referring to band loans.

Chief Cook: We in the north have no problems. We have trapping and fishing and we receive nets from the revolving fund on a loan basis—so we never have trouble. I had some trouble collecting money for the nets. I asked that the nets be given to treaty Indians. They brought the nets and the whole responsibility was given to the white man. I said: all right, that is fine, let him collect. I said that if they give the responsibility to the white man, that is his business, not mine. The agent said: will you help us? I said, no, I have nothing to do with it, let the white man collect.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on No. 3?

Mr. HOWARD: Mr. Chairman, I just have one small question here. It does not relate specifically to the request which is to sell these materials, like wood and stone and gravel and the like. But there are a number of sections in the Indian Act which give the final authority to the minister. A band can only do certain things if the minister approves. Can I have your thoughts, in a general way, as to whether or not you think the minister has too much power and too much authority and the councillors have too little?

Chief Cook: That is what I said. In this Indian Act, as I said, the minister has too much authority and there is not enough authority given to us. After all, we are the chiefs who are put in there to look after the Indians, and it is we who carry the biggest burden. As I said about those nets, I got the traps on a loan basis and I was given the responsibility to collect. The first year I got every cent back, this year I have a few hundred dollars and I am going to have no trouble. I think the chiefs and the councillors should be given more responsibility to run their own affairs, and not have the minister or the superintendent tell us what to do. We could then manage much better than we do now. I think the Indian should have more responsibility for his own affairs rather than have the minister tell us what to do and what not to do. That is why this act should never have been put into effect. We can always fall back on the Indian treaty.

The JOINT CHAIRMAN (*Mr. Grenier*): Are you entirely against the Indian Act?

Chief Cook: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on No. 4?

Mr. CHARLTON: That has been taken care of.

Chief Cook: There are a few more things that I wish to speak about. Employment is one of them.

The JOINT CHAIRMAN (*Mr. Grenier*): Have you any other matters?

Chief Cook: Are there any other members from my constituency? I expected to see Mr. Slogan and Mr. Stefanson here but I do not see them.

Mr. HENDERSON: Mr. Stefanson is in hospital.

Chief Cook: That is too bad. I was going to direct these questions to him, however I will bring this up before the committee here.

We have been making resolutions in regard to fishing on Lake Winnipeg. I know the province has jurisdiction over that. Maybe the members could look into this.

The JOINT CHAIRMAN (*Mr. Grenier*): The members of the committee will look into it.

Chief Cook: That is good. Another point I want to bring up is that we had a welfare conference of both the Indians and the Metis, the half-breeds. I can tell you a little joke about the half-breeds, but I will leave it out. If you wish to laugh I can tell you the little joke. It is about a white man who came to an Indian settlement. He did not feel safe among the Indians so he

wanted to find some half-breeds. He goes to an old Indian chief like myself and he says, very politely "Sir, could you tell me if there are any half-breeds around?" The chief looked at him very concerned and said "No, no half breeze". So the white man thought for a while and said "Probably you do not know what I mean". The Chief said yes, he does. So the white man said I will tell you: you see, I am a white man and I married a squaw, meaning an Indian woman. We have a baby, now that baby is a half-breed. The Indian said "Oh, that is funny". "What is so funny about that" said the white man. The Indian chief said "White man all wind, squaw full wind, you have baby, half breeze."

Getting back to the fishing business—that is why they changed the word from half-breed to Metis, because two people have another interpretation. Some of my friends have more than their share of wind. This fishing business I was going to bring up, we had this welfare conference in Winnipeg, and Father Renaud has some of that in his brief. Now, on Lake Winnipeg and on other lakes in Manitoba, our only source of livelihood is fishing in the summer. We have no other sources of livelihood, no employment, no work. No man would like to go away from his family for five or six months at a time. Some of us go fishing a hundred miles out. There are only three or four, out of the reserve, who can get a job in the summer. This year the law was passed that Lake Winnipeg be closed to spring fishing. Yet, it is open at the north end of the lake for the big companies who fish for the white man. We, in the south, have to sit there and look on. We have no employment, so what are we going to do? We have to sit there and ask for relief for the rest of the summer. If you say: work for your relief, we have done that on my reserve this winter. We have done a good job there and our field agency said it was very good. As I say, they are willing to work if they get it. The government might say: we will give you a job: cut the road out. On the east shore of Lake Winnipeg we have good timber and we could produce logs. We would then have a chance of making an honest living, if we got the job and we could do something for the country. In that way we would be helping our country. But we have plenty of resources, the finest fishing streams, and some of the finest beech woods could be turned into summer resorts. Instead of that, they give us nothing to do and they do not let us fish. What are we going to live on?

The JOINT CHAIRMAN (*Mr. Grenier*): So you recommend to the committee that you be allowed to fish?

Chief Cook: In the spring, so as to work for our livelihood. I ask some of you gentlemen to look into this matter for us. That is our only source of livelihood—fishing. In the summer we cannot trap; the only thing we have is fishing and they do not let us do that. The law was passed before we prepared the briefs. So our briefs were useless.

Mr. CHARLTON: I imagine Mr. Jones could explain that. It is probably a provincial law.

Mr. JONES: What the chief says is correct, Mr. Chairman. We are constantly in touch with the province of Manitoba and the areas and quotas that are set aside. On the other hand, the province and their experts do view with alarm the present fish catch and how long it is going to last. They are always very good and very considerate about our representations on behalf of the Indians.

There is another side to this. The biologists and scientists make recommendations to the government to close off a certain area. They generally have good reasons in doing so. They have a committee on which we are represented, and our recommendations are always given every possible weight. There are two sides to this question. It concerns the capacity of Lake Winnipeg for commercial fishing.

Chief Cook: Mr. Jones, you say that it is looked into by some of these scientists who are selling fish. Why do they open up the north end of Lake Winnipeg and legalize small mesh nets? I have fished on Lake Winnipeg for 37 years and we have had the same problem every year—some years would be lean, others would be plentiful. The fish migrate twice a year to the north end of the lake, and in the spring of the year they come from the north and migrate south. When the water becomes warm in the summer they go back north. In the fall they start the same thing. Since they started cleaning up the north end of Lake Winnipeg, however, what do we get? Nothing. It is really those that are operating the lake by opening up the north end, that are ruining our fishing. That is where our problem is.

Mr. JONES: I would like to make one observation. Chief Cook will realize that what was about to happen a year ago on Lake Winnipeg was that they were going to close a lot of the areas. We finance trapnets completely from federal funds. You recall that, Chief?

Chief Cook: Yes.

Mr. JONES: We try to control to the greatest extent the proper size of fish to be taken and keep to a minimum any small ones that would be taken. We made quite an investment from the Indian affairs branch appropriations to try out trapnets. As a result of this, they did not shut off some of the pockets that were going to be closed in Lake Winnipeg. We will be able to go into our arrangements with the committee fully on the Manitoba question later on and explain what we are trying to do.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you very much. I believe that the Manitoba Indian brotherhood has been very well represented here today and that you certainly have put up your case very well to this committee. Thank you very much.

Chief Cook: I would ask, Mr. Chairman, have we finished now?

The Joint CHAIRMAN (*Mr. Grenier*): As I told you, we do not wish to restrict you in any way.

Chief Cook: In regard to these traps Mr. Jones has been talking about. They are not a very good prospect on lake Winnipeg. I know men who work from Beren's River and operate these trapnets. I will quote what one man said. During the night they set these gill nets alongside the trapnets. They took fish out and threw them into the trapnets, and therefore got their quota of catch through doing this.

Also, I know another man from Dauphin River who operated one of these trapnets with three other men and they were getting \$150 a month. They had to relieve him of his job. He was not getting enough fish to pay his expenses and pay his wages, so they had to lay him off and pull things up. These trapnets are hopeless and should never have been introduced into lake Winnipeg. That was another mistake.

AFTERNOON SESSION

THURSDAY, March 23, 1961.

The Joint CHAIRMAN (*Mr. Grenier*): Ladies and gentlemen, we have a quorum and the meeting can come to order. This afternoon we have before us the welfare council of greater Winnipeg, represented by Reverend Father Renaud. Their brief is in two parts and, if it is agreeable to members of the committee, we can have it recorded as read and included in this day's evidence. Is that agreeable?

Some Hon. MEMBERS: Agreed.

The brief reads as follows:

PART I

COMMUNITY DEVELOPMENT

The Joint Committee of the Senate of the House of Commons on Indian Affairs, Ottawa, Ontario.

Sirs:

The Indian and Metis Committee of the Welfare Council of Greater Winnipeg is encouraged by the appointment of your Committee. May your efforts bring increased opportunity and hope for the future to Indian people of our Dominion.

We welcome this opportunity to submit a brief on community development and education, and trust that it will receive a sympathetic hearing. This brief is the product of several months study and discussion of the problems, and is the result of experience in six provincial conferences sponsored by our Committee since 1954. We sincerely hope that action on our brief may be possible in the near future.

First we shall summarize some of the most pressing problems of the Indian people. Secondly we shall attempt to show how conditions might be improved through community development and education. Our Committee has deliberately decided to restrict its brief to these two topics. The many comments and conclusions arising from our six annual conferences have led us to believe that it is in these two fields that action is most urgent.

The problems are as follows:

Economic:

1. Over-population of some reserves and diminishing natural resources in these areas have created many unemployed and marginal income families among Indians, especially in northern and eastern Manitoba.

2. Many Indians have found it difficult to obtain work in industry because they have insufficient marketable skills. Indians who are successful in entering this field are frequently unable to persevere in the monotonous routine of industrial work.

3. Mechanization of agriculture, lumbering and other industries has made it difficult for Indians to compete with whites in these fields.

Social:

1. Illiteracy and insufficient formal education in addition to the language barrier, have handicapped many adult Indians in developing efficient self-government and in taking an effective part in the development of their own communities.

2. Because Indians are ignorant of their own affairs, rights and responsibilities as Indians, they are unable to organize themselves for strong government and effective community action.

Most Indians are extremely unhappy about their economic and social situation. Although they are not unanimous in their choice of goals or of methods to be used in their attainment, their dissatisfaction is general.

Things are not really going to change very much for the better until a new spirit and new skills are acquired by the Indian people. It is true that improved housing, relocation of bands, building of access roads, improving of educational opportunities, trades training and promotion of better understanding between Indians and non-Indians will all help to solve the problems outlined above. We believe that, should your Committee's findings end here, as has happened

with past government studies, the Indian will still be deprived of the things he needs most. These are the willingness, confidence and competence to make his own way life, whether he elects to remain in his old environment or to move out into a new one off the reserve. Only strong action on your part will prevent his becoming more dependent upon a beneficent, all-powerful government and manifesting that dependency, either in dull resentment, or in increased pauperism.

This problem is not new, nor is it peculiar only to our Indians. It has long been recognized by certain colonial governments who are trying to improve the lot of their subjects in underdeveloped areas. It has also been recognized by various United Nations rehabilitation agencies. It is the problem of how to channel technical and material assistance to underprivileged people in such a way that their initiative is not destroyed but developed and encouraged if it is lacking. It is as a result of intensive study of what has been done in other countries and also our past experience in Canadian Indian affairs, that we are convinced that this is the heart of the matter; and what is more, we are convinced that there is a solution. In the balance of this brief we will describe what we believe would be an adequate solution.

The key idea in the solution (this, incidentally, was worked out in the British Colonial Service and has since become standard practice in United Nations technical aid programs) is that of effectively involving local groups at all stages, from initial discussions, through planning, to final execution, in the carrying out of local improvement projects. Carl Taylor, an outstanding authority in the field, at present attached to the Ford Foundation, has called it "technically aided, but locally organized self-help".

The root of the problem lies not in giving people things but rather "giving them confidence so that they may help themselves, and then helping them accomplish what they try to do". The short name for this whole approach is "community development"; and for the sake of convenience it will be used here. All we ask is that it not be forgotten, that the "community" which is being developed is the people, and not the place where they happen to be living!

We would like to emphasize, however, that community development is not a panacea for all the problems facing Indians, nor would we want to suggest that it be undertaken at the expense of other important programs currently sponsored by the Indian Affairs Branch. Most of all, we would not want the Branch to reduce its expenditures in the field of education. On the contrary, we intend to show in the second half of our brief that educational services should be greatly extended.

What is community development?

Community development is the method by which groups of people are involved in helping to improve their economic and social conditions and thereby become effective participants in programs of national development.

Community development is based on a knowledge that Indians, like all human beings, have self-recognized needs and desires to satisfy these needs. It is based upon a belief that if Indians seem to be apathetic and their organizations weak, it is because they have not had full opportunity to participate, much less lead in programs designed for improvement of their own circumstances. It is based upon a conviction that Indians will want to change if they are permitted to make decisions concerning the development of their own communities and are helped with technical and material assistance to carry out these projects and programs. In our opinion the failure of many attempts by Indians to improve their conditions could have been avoided had adequate guidance and technical assistance been provided, whilst initiative was still left in Indian hands.

Steps in organizing a community development program

1. The first step in community development would be an informal discussion of the band's particular needs as seen by the people themselves. Such discussion will be readily engaged in if the people have cause to believe that any organized self-help effort on their part will be encouraged and assisted by the Government or some other dependable agency.

2. The second step in community development would be systematic planning to carry out the first self-help undertaking that has been selected by the community. It should lead to the actual task of enlisting persons who would contribute their labour and talents, and in some cases material, to carry out the project. It is a step towards mobilizing the band to do something for itself.

3. The third step in community development would be the almost complete mobilization and harnessing of the physical, economic and social potential of the band. Once a well organized local group starts and completes a project which benefits the whole band others, who have remained sceptical or only mildly interested, will often also start working.

4. The fourth step in community development would be the determination to undertake additional community improvement projects. Once a group has successfully accomplished one project leading to improvement of the community, it will want to develop more. Successful undertakings of this kind should lead to some feeling of group pride. This would tend to hold the people together as a functioning community.

Administering a community development program

It would be important, in a community development program, that the greater part of administration's task be the organization of services and programs. It would be not so much the exercise of authority as it would be the development of initiative and responsibility on the part of leaders of local groups. To make this possible, the people themselves should choose which of their projects they are willing to work together for and then they should be aided in organizing their self-help efforts successfully. Most people will willingly cooperate in carrying out a project which they have helped in deciding to undertake.

The community development staff should be given status in order that they may develop policies suited to the needs of community development. If the Indian Affairs Branch were to provide the administration, the chief of community development should have equal rank with the heads of Divisions such as education and economic development. He should be required to have extensive training and have experience in the use of technical assistance and community development methods.

The need for community development workers

There would be need for assistance from professional community development workers to help the people know about all the sources of assistance available to them, and to interpret their needs and desires to others. The community development worker can be effective as a bridge between the group and others only if he knows who the leaders are and works with groups through them.

Community development requires intensive effort on the part of the community development worker. It is, therefore, necessary that each worker should be responsible for no more communities than he can handle adequately. If he has two or more communities to work with, the distance between them should not be so great that he must spend a disproportionate amount of time in travel.

The training of community development workers

Community development workers should receive both academic and practical field experience. To employ someone with university or formal education only, seldom works because he might not be able to reach and effectively involve the people in any responsibility for program. For best results training in social sciences should proceed along with supervised work in the field.

They should be professionally trained co-ordinators—able to use outside resources such as technical specialists, most effectively. They should become knowledgeable about fishing, conservation, agriculture, the co-operative movement and health and education methods. Particular emphasis in their training should be placed on community organization and group formation. The community development workers would be in daily contact with the band. If they did not have theoretical and practical knowledge of group formation and community organization not much could be accomplished in these vital fields.

Community development workers should be people, preferably of Indian ancestry, who would be readily acceptable to the bands. They should have a willingness to live in Indian areas and be able to live in isolation.

Technical specialists are required

Opportunities for consultation on agriculture, co-operatives, conservation, health habits, sanitation, nutrition, housing, adult education, recreation and other technical fields should be available to people as sufficient numbers see the need for something to be done. Both the Government of Canada and the Province of Manitoba employ a number of specialists; e.g. extension workers who could provide such counselling. With special training in group formation and community organization they could, under the direction of the community development workers, carry their technical knowledge to the reservations more effectively than is possible at the present time. More technical specialists should be employed than at present. Training grants should be provided, to encourage more people, especially those of Indian descent, to enter this important field.

The importance of developing and utilizing local leaders

The development of local groups to accept responsibility and the development of local leaders are the necessary components of sound local community programs everywhere in the world. The need for local leaders is of particular importance because members of the band know that they do not understand the outsider's limitations. They are either insulted by his belief that their limitations are very marked, or they are frustrated by his assumption that they can do more than they know is possible. They often expect the outside leader to miraculously solve their problems for them. The chiefs and councillors and heads of community groups on the reserve will probably be the natural leaders of the community. They should be encouraged to pursue leadership training courses to help them carry their responsibilities more effectively.

Community development at work

Community development could assist in bringing a better life to the community by helping to develop a knowledge of technical methods such as the processing, storing, marketing of fish and other natural resources; the organization, management and operation of co-operatives and credit unions; the operation and maintenance of power equipment, etc. This kind of training and experience would enable Indians who wish to leave the community for the city to compete successfully for jobs with other Canadians.

Community development could assist in erasing illiteracy and promoting the use of English among the adults by providing an incentive for the learning

of English. Experience in other countries has shown that a successful literacy program will result in a marked up-surge of community enthusiasm and produce the desire to go on to other forms of community betterment.

Community development workers could usefully implement programs of adult education including arrangements for short courses and discussion groups on such subjects as community organization, rights and responsibilities of Indians, etc. This experience could lead the person into new ways of serving the community to which he belongs.

Most important of all, community development would help Indians overcome their apathy and promote a desire for, and confidence in, trying to bring about change. Indians will want to improve if they are permitted to make decisions concerning the development of their own communities and are helped with technical and material assistance to carry out these decisions.

Conclusions

We have attempted to outline what we believe are the essential requirements for a community development program. We have based our thinking on the experience of other countries where community development programs are operating with good results.

We have not recommended any one administrative pattern or method of financing. There are alternative ways a community development program could be administered which the Indian Affairs Branch might wish to explore.

We wish to emphasize, however, that since community development is a method of working with people, as well as a philosophy, there will be a special need for in-service training programs to prepare Indian Affairs Branch staff to function effectively along these lines. Years of practice have accustomed many Branch officials more to "doing for" the Indians, rather than "doing with" the Indians, the opposite of the community development method. This need for the preparation of staff may not apply to everyone in the Branch because there are at present a number who already possess a working knowledge of community development.

Community development is based on a co-operative initiative on the part of the community residents. Indians, however, have learned to adapt to a paternalistic and benevolent system since contact times. It will not be easy for them to adapt to something different and the development of their communities will certainly be of necessity, a long term project.

The provision of a community development program is not possible without considerable cost to the government. Expert staff are required for long periods of time and consequently the program would be expensive . . . but balanced against this cost would be the eventual cost to the province and to Canada as a result of conditions remaining as they are,

Respectfully submitted.

.....
Reverend Ian Harvey,	Reverend Father G. Laviolette, O.M.I.
Chairman,	Chairman,
Sub-committee on Community	Indian and Metis Committee.
Development.	
.....	
Archbishop Philip F. Pocock,	
President,	
Welfare Council of Greater Winnipeg.	
.....
Bernard Grafton,	Lloyd Lenton,
Chairman,	Secretary,
Sub-committee on Education.	Indian and Metis Committee.

PART II

EDUCATION

The Joint Committee of the Senate and the House of Commons on Indian Affairs, Ottawa, Ontario.

Sirs:

The Indian and Metis Committee of the Welfare Council of Greater Winnipeg wishes to commend the Indian Affairs Branch for its forward-looking policies in the field of education. The Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs, has recently said—"I venture to say that few school systems have accomplished as much as the Branch has undertaken in the last ten years". Mrs. Fairclough has further stated that—"The Indian Affairs Branch also find it helpful when outside people make fresh appraisals and suggestions for the improvement of the Indian School program."

In the light of the above statements, Part II of this brief has been carefully prepared with the active co-operation and assistance of the provincial and federal educationalists who are most familiar with Indian education in Manitoba. We believe that action on our suggestions will advance substantially and stimulate the education of Indians in this province. We would urge that action be taken forthwith.

Aim of Education

Generally speaking, in our Canadian society, all the activities of the school are based on or inspired by the cultural background of the community in which it operates, and aim at preparing pupils for life in this community. The role of schools as a means to solving problems facing the Indians is of a slightly different nature in that schools attempt to prepare the pupils for life in a community other than that from which the majority of the pupils originate. We have shown earlier in our discussion on community development, that there is a need to greatly improve the kinds of communities in which people of Indian descent are living. The role of the school in the program of the Indian Affairs Branch must be seen in the light of our discussion on community development. The schools become not only a medium for transmitting culture but to a certain degree for changing it. The schools must attempt to bring to the Indian communities such skills and information as are required to make it possible for the Indian people to recognize conditions in their own culture which are not suitable and want to change them.

When the Indian culture has become adapted to the needs of the modern Indian, it is likely that their school system may start playing a role which will be more similar to the one being played by our other Canadian schools. Until this happens, there is a need for combining in the Indian school system the information, skills and social climate which will make change possible.

It will be easily seen that such a task will continue to provide a challenge to all our educators. In the discussion that follows, we have attempted to provide a framework within which those responsible for education of Indian pupils will be able to work more effectively.

Administrative Organization within the Province

The education of Indian children in Manitoba has advanced so rapidly in the past ten years that it is difficult for the uninitiated to grasp the extent of this change and impossible for the present administrative machinery to handle it efficiently.

Educational advance in Manitoba can be understood if one considers that the numbers of children attending schools has increased dramatically. In 1951 there were 1,010 children attending residential schools, now there are 1,451. There were 2,286 children attending day schools; now there are 2,971. In all, there are some 5,000 children in school. Many children are remaining in school more years than formerly. It is anticipated that in the next five years enrollment will increase by roughly 25%. It is estimated that 35 additional classrooms will be needed to take care of this increased enrollment either directly under Indian Affairs or as part of the integrated program and through the provincial school system.

Educational costs of Indian Affairs in Manitoba have risen from \$711,000 in 1951 to over \$3,000,000 this past year. For Canada as a whole, costs have risen to over \$25,000,000. Construction costs over the next five years are likely to be considerable. It has been estimated that construction costs for the whole of Canada will exceed \$30,000,000 during this period. It is obvious that education has become a very big business. A program of this extent and of such a specialized nature, one which envisages many changes and constant expansion, needs expert and specialized leadership. A program that will average well over thirty million dollars expenditure per year for the next five years is large enough to warrant the cost of specialized leadership. Efficient, knowledgeable leadership with freedom to move quickly is very necessary.

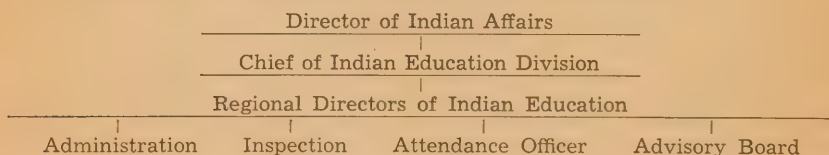
A statement by Mrs. Fairclough that a policy of decentralization of educational staff to all provinces within the next four years is planned, suggests the need for the following:

1. that Indian education be set up as a separate division of Indian Affairs under a division chief of Indian education;
2. that all educational business and financing be conducted directly within this division;
3. that the personnel of this division be accountable to the chief of Indian education, he in turn, should be accountable to the Director of the Indian Affairs Branch.

Each province should have a regional director of Indian education. It should be his responsibility to submit an estimate of educational costs to Division headquarters and administer the program in his province. The regional director should have four sections under him,

1. an administration section,
2. an inspection section;
3. an attendance section and
4. an advisory board.

Graphically, the organization would appear as drawn below.



Administration—Provincial level

At present the regional inspector of Indian schools is asked to report on the effectiveness of his own administration. It is obvious that the inspection and administration of remote schools presents many difficulties and that it is expensive. It is nevertheless recommended that inspection and administration be separated for more efficient, effective and economical results.

The administrator's work should be similar to that of the provincial Official Trustee in Manitoba. The administrator should have (i) an assistant, a man who should have a knowledge of school building and equipment; (ii) a chief accountant; (iii) two assistants to the accountant; (iv) and the necessary secretarial and clerical help.

The administrator should be responsible for all school budgets, buildings, equipment, supplies, hiring of teachers, transportation and everything having to do with the efficient operation of all Indian schools within the Province.

The assistant administrator should be responsible to the administrator and directly responsible for buildings, equipment, local meetings, the organization of local committees and the efficient functioning of these committees.

Inspection

Indian Affairs should employ three school inspectors in Manitoba with the present number of their teachers if they are to conform to provincial standards. The inspector should be free to present a critical report to the provincial director of Indian education. He should report on the school plant, equipment, effectiveness of the teaching program and effectiveness of the local committees' contribution to education.

The Report of the Manitoba Royal Commission on Education, 1959*, recommends that—The inspector should be required to spend at least two days in each classroom in day schools if the teacher is new to Indian work and not less than one day per school year if the teacher is experienced.

Each month the inspector should forward a daily activity report to the provincial director. The inspector should be required to spend an average of four days per week in classroom visitation during the school term. The inspector should assist the provincial director with the instruction program and recommend the specific curriculum requirements of each school to obtain the greatest possible educational advancement. The inspector should be expected to assist and advise the teacher wherever possible and to familiarize the teacher with departmental procedure and all reports required by the department. The inspectors should hold inspectors conference each year immediately preceding the opening of school.

Attendance Officer

The attendance officer should work directly under the provincial director. He should also work closely with the local attendance officer. The attendance officer should see that provincial standards of attendance are maintained in all Indian schools. Teachers' monthly attendance reports should go to the attendance officer, so should copies of pupil's transfer cards. The attendance officer should keep records of all children in attendance at each school. He should keep records of all Indian children attending non-Indian schools, vocational training institutes, universities and other educational institutes. He should keep cumulative record cards for each child showing the final course completed and the name of the first employer. It should be the attendance officer's duty to find out why each child who stops school has done so, and to endeavor to have the child return and remain in school until the completion of his course.

Advisory Board

The Regional Director should have an advisory board. The numbers of this board should be recommended by the regional director to the division chief for his approval. The advisory board should meet at least twice each year,

*Chap. 7, Section 4, Page 113.

and should consider all phases of Indian education in the light of provincial and federal educational policies. The Regional Director should make a report of their findings to the division chief.

Local Committees

The main consideration underlying all educational policy should be to give Indian children the best possible education. The outlook should be broader than the classroom. Every effort should be made to produce responsible citizens within the community, people who can accept both the privileges and responsibilities that accompany a democratic way of life. The use of local committees to assist in school administration and school attendance has this end in view.

The Province of Manitoba has made use of local committees for many years. Experience has shown that local participation in management is necessary if members of the community are to become self-reliant citizens. They should feel that they personally have a share in the duties, responsibilities and privileges of citizenship. With this in mind, we feel that local committees should be elected to assist in the administration of each school. The assistant administrative officer should organize local committees and meet with them at the time of their annual school meeting. It is imperative that this committee be given as much responsibility as it is capable of handling successfully. The objective of federal and provincial administrative practice should be to gradually withdraw from local administration until the local committee is capable of functioning in a manner similar to a board of trustees in an organized school district. Special projects sponsored by the committee should get every encouragement. For example, in the purchase of a projector, the administrator might agree to provide two dollars for every one dollar raised locally.

When new buildings are to be built, the local committee should be consulted. They should provide information about possible sites. The administrator should meet with the committee and go over the proposed plans with them. He should make them feel that they are active partners in all such projects.

The local committee of each school should consist of three persons who are residents of the community and duly elected by all the residents. Each committee member should hold office for a term of three years.

Committee members administering local affairs, in provincial special schools have been assigned specific duties.

1. One committee member is to act as secretary-treasurer.

2. The second committee member is also chairman and building supervisor.

3. The third committee member is also local attendance officer.

Rules should be established for the administration of local school affairs. These rules should be adhered to by the committee. Local committees should meet at least eight times a year. They should hold all their meetings in the school. A copy of the minutes of each meeting should be forwarded to the administrator's office.

It has been found that committees will not function satisfactorily

1. if they are appointed rather than elected,

2. if they are not allowed to make decisions,

3. if they do not have real responsibilities,

4. if they are not free to carry out their own projects,

5. if they do not have the feeling that this is their school and they are administering it within the framework of the established regulations.

The responsibilities of local participation should not be confined to administration. A feeling of ownership of "our school" is essential. A feeling of personal

pride, of accomplishment and ownership cannot be created unless the people contribute individually to the school's upkeep and operation. The local committee should be encouraged to take responsibility for local financing as a regular part of its school duties. At the same time local finance should not be made a burden. For this reason it is suggested that many of the requirements be in the form of work rather than money.

The local committee should raise funds for local expenses by a local school tax. By this means the group can realize that the community as a whole will profit from a tax imposed by the group upon themselves for their own mutual benefit. This local school tax may be augmented by the proceeds from community organized and sponsored activities such as socials.

This same system in communities where the residents are of Indian descent has produced the following results in provincial schools:

1. The school becomes the direct concern of the community.
2. The people develop keen interest in education.
3. Grade levels are raised.
4. The community becomes co-operative.
5. They develop a pride in school buildings.

Attendance

It should be the responsibility of the attendance officer and his local assistants to see that each child receives as nearly as possible a full 200 days' schooling each and every year. To make this possible the school year would commence on August 1st. In these circumstances the teacher could be put on staff and commence teaching late in August. School could then be open for 200 days during the school year.

When a pupil is absent from school it should be the duty of the teacher to make prompt inquiry of the attendance officer. The parents should be called upon, the cause of non-attendance noted, and, if possible, removed.

Mrs. Fairclough states that—"Education is the key to a promising future for the Indians....". "A sound educational system is the most effective contribution that Canadians can make to the progress of the Indian." We agree whole-heartedly with these observations. On the other hand, it does not matter how good the system, how functional the school plant, or how expert the teacher, there will be no educational progress if the pupil is absent much of the year. In order to make adequate educational progress, children must attend school 200 days every year. This is not now the case in many Indian schools in Manitoba. A strict policy of school attendance should be actively enforced if schools are to function properly and educational levels are to be raised. Many objections to complete and compulsory attendance can be anticipated. Few of these objections have proved to be valid in Metis settlements. The people known as Metis in Manitoba are similar in looks, color, culture, mode of life, locality, language, and in all other respects to the treaty Indian. His Indian counterpart, especially in the north, often takes his whole family with him each time he goes trapping or fishing. The Metis leaves his family in the settlement while he goes alone to the trapping or fishing grounds. He seems to make just as good a living as the Indian who takes his family. The family in the settlement gains both from the point of view of education and also from that of health. The implementation of this recommendation is of the utmost importance. The need is immediate.

Curriculum

Many Indian children in Manitoba live in remote and isolated settlements where the only language used is their native Indian tongue. There is little or no contact with the English language. Teachers in these settlements

usually keep beginners in grade one for two years. This is done to give them a working knowledge of English. Recognition should be given to this need by introducing a kindergarten year in these schools and by supplying a program of studies for the teachers' use to enable her to prepare the pupils for a complete grade one course the following year.

The inspector should have time to assist his teachers in grading their pupils according to provincial standards and to advise his teachers on promotions. When the inspector is relieved of administrative duties, he will have time to give this assistance to the teachers under him. Pupils are now over-graded in many of our remote schools. Teachers should be encouraged to strive for the highest possible standards to the prescribed program of studies, and to make these standards their ultimate objective. Progress should be continuous and at a speed commensurate with the children's ability.

Every effort should be made to encourage all teachers in a particular area to set combined examinations that would be used in all schools in that particular area. This practice would be even more effective in well developed areas if a non-Indian town school were included in the group. These examinations should not be used as a basis for pupil promotion. They should be used to make a comparison of standards, to stimulate pupil interest and to make students feel that they are part of the community at large.

All Indian schools in Manitoba should follow the prescribed provincial program of studies with the following provisos:

1. This program should be modified to include Indian history, language, folklore, songs, arts and crafts.
2. Indian children should spend a greater proportion of their time on English, Social Studies, and related subjects than the provincial program recommends.
3. The provincial reading texts are not well suited to Indians living in isolated communities. Indian Affairs are aware of the need for texts with story content adapted to the life experiences of Indian children. Indian Affairs should be commended for their efforts to correct this situation and should be encouraged to speed up the preparation and use of such texts.

Teachers who are new to Indian work require help in adjusting their teaching to the needs of these pupils. These teachers require specific advice in order to make the most effective use of the school day and to ensure their pupils an even rate of progress in all subjects. Care must be taken that these children with their limited, narrow background, are not sacrificed to pedagogical techniques devised for more advanced cultures.

A physical education program within these schools, as laid down in the provincial program of studies,* should be stressed,—i.e. 150 minutes per week. Up to the present very little has been done to implement even a minimum program. Organized and supervised playground activities each and every day are also a necessary part of the school program. At present most teachers devote little time to this activity. Playground activity does, under proper supervision, develop a feeling of pride in achievement that can be brought into the classroom. It develops character through learning the value of fair play.

Most teachers do not consider the social adjustment type of guidance a part of their work, perhaps because teachers themselves are deficient in guidance training. Properly trained teachers could fit their pupils for a more productive life and acquaint them with the cultural life history of their own people. Perhaps guidance, job placement and follow-up might be important enough to be included as a branch in the administrative set-up of Indian education. Indian

* Page 43, junior high schools.

students need more extensive training in social behaviour and customs than is provided in the present provincial program. They must learn at school what other children learn in their homes. Good personal habits, socially accepted patterns of conduct, acceptance of responsibility, and desirability of providing for the future are a few of the qualities that require special stress. Consideration should be given to providing the teacher with suitable material to assist in this very necessary task. Undoubtedly, teachers in these schools would benefit from a methods and procedure course in social behaviour and customs.

The Teacher:

The work of a teacher in an Indian school is much broader in scope than in any other school. It is a specialized work and requires a different approach in several ways. Because of this, serious consideration should be given to establishing teacher training courses that would best fit these teachers for their schools. These courses should be given in cooperation with the Provincial Department of Education. There should be specialized training—

1. in the teaching of English to non-English children;
2. in teaching social studies emphasizing the use of visual aids, this is needed particularly at the grades 5-8 level;
3. in applied anthropology and basic culture patterns of the Indian and European in order to give the teacher a sympathetic understanding of the Indian's problems and an intelligent approach to their solution.

Other beneficial courses can readily be suggested by competent educationalists who are aware of the problems involved. The successful completion of these courses should be given recognition on the salary scale.

It is strongly urged that teachers be required to have Provincially-accepted teaching certificates and that special consideration be given to teachers who have taken the specialized courses recommended above. The education branch should plan to eliminate teachers without valid teaching certificates. Exceptions should be made for those now on staff, and who have many years of teaching experience. Care should be taken that teachers in all categories be paid salaries better than those paid in Provincial schools. The specialized nature of Indian education requires the best teacher that can be obtained. The isolation and remoteness of Indian communities deter teachers from accepting these schools. This can only be compensated for by added remuneration and comfortable living quarters.

The teacher should have many responsibilities within an Indian community. Unfortunately many teachers do not seem to realize this. If a teacher is to get the best educational returns from his pupils he must meet the parents and gain their confidence and cooperation. All too frequently teachers in these areas remain aloof from the community and education suffers because the parents lack interest. This interest can be stimulated quite easily by a teacher who shows an interest in the community. One obvious and practical way that teachers might contribute to community life would be to organize and administer programs of systematic education for adults. Teachers should be made to understand that this is part of their work and should be given guidance and encouragement in carrying it out.

The teacher should work closely with the local committee and be prepared to give them full cooperation as well as advice and guidance. Should the teacher do this he will find an Indian community to be the most appreciative, loyal and stimulating group that he has had the privilege of working with. The importance of the teachers' contribution to the successful development of responsible committees cannot be over-estimated.

Teachers should attend an Inspector's Convention each year before leaving for their schools. They should receive instruction and guidance in all phases of their work at this convention.

The teacher's contract salary should be stated as an annual rate of pay for 200 days' teaching. The teacher should receive extra pay for extra days taught up to a maximum of 210 days at a daily rate computed by dividing the contract salary by 200. Conversely the salary should be reduced by this same daily rate for every day less than 200 that the school is open.

Types of Schools:

1. *Day Schools:* Indian Affairs have seventy day schools in Manitoba. We believe that under normal circumstances local day schools, whether provincial or federal, are the most satisfactory means for providing an elementary education for Indian children. We are pleased to see that in many areas where the population is somewhat dispersed or divided for various reasons, that day schools are being centrally located and pupils transported. It is a recognized fact that a better education can be provided in multiple room elementary schools that can be provided in dispersed single room schools. Children in these remote or isolated areas use their native language at all times except when they are in school. Their use of English is so limited that they require individual attention while in school. This cannot be given by a teacher who has eight grades to teach. It can be given by a teacher who has one or at most two grades. Better results can be obtained in graded schools in all subjects. Where possible, within present regulations, schools, both federal and provincial, should be consolidated in one area into one graded school. We would also strongly urge that the size of classes be limited to twenty-five pupils. Only very special circumstance should permit any deviation from this rule. It is urged that this recommendation be carried out even though it may mean building roads and transporting pupils. This again is in line with recent Indian Affairs recommendations.

2. *Local High Schools:* Indian Affairs have established a local junior High School at Peguis in Manitoba. We should like to recommend this practice for all areas. We further recommend that grade levels be extended in these schools up to and including grade XII. Experience here has shown that local high schools in remote areas are remarkably successful. Many children in remote areas are not able, for various reasons, to avail themselves of the opportunities provided for a high school education in residential schools. Experience again has shown that most children will attend a local high school. If the local school terminates its course at the end of grade VIII most pupils leave school at the end of grade VIII. If the local school provides grade XII education most students will remain in school longer and attempt to complete a high school course. Local interest in a high school education is stimulated by a local high school. Most communities are proud of their local high school and wish to see it continue and to see their children get a high school education.

3. *Residential Schools:* There are at present eleven residential schools in Manitoba. The residential school of today is designed to give maximum educational opportunity to its pupils. We feel that elementary residential schools should be used only for special cases such as children from isolated areas where there are too few students to warrant the establishment of even a one-classroom school and children of transient parents. This practice deserves commendation.

4. *Industrial Arts and Home Economics:* B. F. Addy, Director of Technical Education for Manitoba, says that it is not economically practical to establish a full program in Industrial Arts and Home Economics in a high school with less than 250 pupils. We would recommend that Indian Affairs integrate this program, along with its related guidance program, into the new Provincial

High School (Division) program. We would recommend that in larger graded schools and remote areas a limited program only be attempted, this program would not only familiarize the children with the variety of courses open for them to specialize in at the high school and trade school level, but would also emphasize personal development.

5. *Pre-technical Schools*: Tentative approval has been given by both the provincial and federal governments for the establishment of a pre-technical school in Manitoba. A school of this nature is urgently needed—(a) because of the large numbers of Indian and part-Indian people coming into the industrial centres who have no job-training and who have low academic standing; (b) because local industries in rural areas can no longer support the population. For example, industries such as trapping, fishing, seneca root gathering and lumbering are no longer economical; rapid growth of population has increased the labor force of reserves and rural areas until it is too large for existing job opportunities; (c) because many young people of Indian ancestry do not have the ability or the inclination to complete the academic requirements necessary to enable them to enter existing technical institutes. The pre-technical school recommended is therefore a school that will enroll children from 12 to 18 years of age as well as adults who do not have enough academic training to enable them to enroll in existing technical institutes.

This school would give these students some academic training and at the same time give them vocational training. A suggested list of technical courses might be:

BOYS

A.

<i>Taught at pre-technical school</i>	<i>Taught out of school by existing local industry</i>
(i) Carpentry	(i) Diesel mechanics
(ii) Plumbing	(ii) Garage mechanic
(iii) Welding	(iii) Painting
(iv) Heating	(iv) Decorating
(v) Electrical	(v) Barbering
(vi) Draughting	
(vii) Gardening	

GIRLS

B.

(i) Cooking, nutrition & hostess	(i) Practical nursing
(ii) Children & home nursing	(ii) Beautician—grooming
(iii) Sewing, washing & laundry	(iii) Photography
(iv) Clothes designing	(iv) Floriculture
	(v) Store Decorator
	(vi) Designing— Commercial merchandising

C.

Commercial: Typing, shorthand, bookkeeping, business arithmetic, spelling, business English.

The academic work for younger students might be taken in the existing local school system. For older student only core subjects or subjects required as pre-requisites for their trade should be attempted.

This school should provide two separate and distinct courses:

- (a) A ten month course for children from 12 to 18 years of age who have a "low" academic standing

- (b) A second series of courses to be short, intensive, to provide job-training for adults who have a "low" academic standing and who have to support themselves and possibly a family.

These courses should provide job-training for such occupations as:

- (i) Brick layers' helper
- (ii) diesel operator
- (iii) service station attendant
- (iv) waitress
- (v) short-order cook

Adult Education

If it is accepted that the school should be an integral part of the community, and if it is accepted that the curriculum is designed for improved community life, it is most important that educational services not be confined to the children of the community alone. Teachers should be encouraged to initiate programs of education for the adults. Subjects in such programs might vary from literacy classes to trade instruction or, in some cases, to elementary political science courses, but they should never be limited to such. Indeed the emphasis should always be on starting where the people are, with the community's particular needs as seen by the people themselves. This would inevitably mean at the outset at least, having classes on such immediate problems as—"How can we get more for our fur?" or "How can we get jobs?" It is only when people face and wrestle with the implications of such questions that they come to see the relevance and need for education. Once they have glimpsed that, they will probably see the need for more traditional courses.

If, as in our hope, the community development program we have outlined in Part 1 of this brief is adopted, the local school committees, along with the teachers, should work in close co-operation with the community development personnel at work in their areas.

The successful operation of a public school adult education program will depend upon a number of changes in the present school program: These are:

1. Day schools, local high schools and residential schools in addition to the above-mentioned pretechnical school should be designed to accommodate both adult and child education programs.
2. In hiring teachers, priority should be given to those teachers having qualifications, professional training, or experience in Adult Education.
3. Teachers should receive substantial additional remuneration for their participation in adult education programs.
4. Teachers should be assisted by the regional administration in the operation of their adult programs. The appointment of a full-time professional adult educator at the regional level to work with qualified teachers throughout the province would be an early requirement.
5. Local committees should consider the adult program one of their primary responsibilities.

Special Services:

Indian Affairs are to be complimented on the excellent health services provided and the practical approach to nutrition needs of pupils. Care should be taken to see that teachers follow through the policy of the Department and ensure that some teachers do not allow the dispensing of biscuits, hot chocolate and vitamin pills to take up the majority of their school time to the detriment of education in general.

Bursaries and Scholarships:

The Department of Indian Affairs is to be commended for the generous number of bursaries and scholarships available to Indian children. It is recommended that this policy continue and be expanded as the need arises.

Conclusion:

In the preparation of this brief we have urged certain changes of an administrative nature. We wish to make it clear at this time that in doing so we do not wish to imply criticism of personnel presently involved in the education of our Indian children. In most cases the Indian Affairs Branch has been fortunate in securing personnel who are dedicated to their work and to the total welfare of our Indian population. It is our considered opinion that the changes recommended will make their task easier and their efforts more effective.

One further point, we have not in the foregoing made reference to or recommendations for equipment, supplies or libraries. These, we feel, will follow as a natural consequence of the recommended reorganization of the Branch which will remove the most obvious deficiencies now existing in regard to the education of our Indian population.

We believe that the implementation of the recommendations in this brief would be a major step forward for Indian education in this province. The implementation of these recommendations would cost Indian Affairs money in extra salaries for additional personnel but we feel that this cost would be balanced by savings gained through expert administration at the local level and the rapid advance in Indian education that would result in reduced welfare cost and increased Indian income.

Respectfully submitted.

Reverend Father G. Laviolette, O.M.I.	Bernard Grafton,
Chairman,	Chairman,
Indian and Metis Committee.	Sub-committee on Education.

Archbishop Philip F. Pocock,
President,
Welfare Council of Greater Winnipeg.

Reverend Ian Harvey,	Lloyd Lenton,
Chairman,	Secretary,
Sub-committee on Community	Indian and Metis Committee.
Development.	

The JOINT CHAIRMAN (*Mr. Grenier*): I shall now ask Father Renaud to make a few preliminary remarks and give a brief summary of the main points contained in the brief.

Reverend Father ANDRÉ RENAUD O.M.I.: Mr. Chairman, may I have your permission to remain seated?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, of course.

Father RENAUD: Ladies and gentlemen, first of all I should like to say a few words about the organization or group presenting the brief. Technically, it is presented by a committee under the auspices of the greater Winnipeg welfare council. That committee was set up seven years ago at a time when people in Winnipeg became aware, not to say, alarmed that the influx of people of Indian descent to Winnipeg was increasing, and that their integration within the local community was running into all sorts of difficulties. Therefore, it was decided to hold a conference to study the situation and see what action could be taken to meet it. To this conference were invited all the Indians in

the town and people of Indian descent as well as representatives from the reserves, if any wished to attend. Also invited were the agencies and individuals who had experience of work among Indians, either as teachers, nurses, and so forth. In addition, all the voluntary organizations which make up the Winnipeg welfare council and which are community minded, were invited.

This conference has been repeated every year since then and, in the process, the participants of both backgrounds have learned a tremendous deal about their common problems. Both have grown, so to speak, into a much better understanding of each other and have developed a very definite spirit of teamwork in tackling all the problems involved.

The impact of these conferences over the years has led the provincial government to call for a study to be made of the social and economic conditions of people of Indian descent, a study which was directed by Mr. Jean Lagasse, which eventually led to the establishment of a provincial program of community development among the Indian and metis population. This new division of the provincial government has reported to your community, in a submission made in a brief presented at your eighth meeting last session.

One of the results of these conferences has been that the people of Indian background have learned to associate in work with non-Indians, and have developed a sense of participation in tackling their own problems with outside help. I was fortunate enough to have been invited to participate in these conferences from their inauguration, and have done so in various capacities. This, I may add, is the reason why I have been asked to present this brief which sums up the accumulated experience not only of the conferences but of studies, visits and pilot projects, both at municipal and provincial levels.

Members of the committee will note that the first part of the brief deals with community development. A community development is not a new term so far as this committee is concerned. If you look back through the briefs presented by many of the larger organizations in Canada such as churches, the Canadian welfare council, and the Indian-Eskimo association, you will find community development has appeared as a continuing refrain. In that connection, I should point out that there has been more or less agreement among all organizations across the country that, because the committee in Winnipeg had greater experience and had made a greater study of community development, it should be left to our group to spell out community development in terms of the Indian situation, and this is what the first section of our brief does.

I should now like to direct the attention of members to the paragraph in our brief in which this community development is described in relation to the Indian situation. The first pages of the first part of the brief sum up conditions that are well known as applying to the economic and social well being of Indians, and perhaps I should point out that conditions in Manitoba reserves in many communities are, perhaps, on the whole, worse than elsewhere, and perhaps this is what has awakened the awareness of the provincial government. As the chief said this morning, a good deal of the reserves are on the rocks. Sixty-five per cent of them, until at least a year ago, were inaccessible by road. The experience, through contact, has been that Indians and Metis have felt despondent and unwilling to see a way out. This is why it has been learned by the Winnipeg people and the Manitoba people involved in this whole experience, that the main thing to bring back to the Indians, as stated on page 3, is the willingness, confidence and competence to make their own way in life, whether they elect to remain among themselves or to move into our group.

After studying what was done elsewhere, it was discovered that the problem in helping a group like the Indians and the Metis is how to channel technical and material assistance in such a way that their initiative is not destroyed but developed and encouraged, if it is lacking. The experience in other countries,

beginning with colonial office work in Africa and now with the United Nations, India, Pakistan and many others, is that this can only be done if local groups are effectively involved at all stages, from initial discussions through planning to final execution, in carrying out local improvement projects. In other words, community development is not strictly aimed at economic betterment; it is aimed at the over-all development or betterment of a community, and it aims, in particular, at developing the community spirit which can carry on further development or can be used for programs on a national scope. This is why, on page 4, the committee states:

All we ask is that it not be forgotten, that the 'community' which is being developed is the people, and not the place where they happen to be living!

In other words, if economic resources do not favour a big stage in the economic development, it does imply that the community cannot develop in tackling some problems.

Now, beginning with page 4, is a definition of "community development", technically speaking, as applied to the Indian. It states that if the Indians have not progressed further, it is because they did not have full opportunity to participate, much less to lead, in programs designed for improvement in their own circumstances. In other words, they were given, or provided, with many services of a various nature, but very seldom were they brought into a thorough planning and execution of the program.

The steps in planning community development at a local level are listed under four paragraphs. First, establishing the particular needs as seen by the people themselves. This is a very sound pedagogy because it starts with what motivates people, what gets people to act, and what are their felt needs, not the need as seen by an outsider.

The second step is systematic planning by the group to carry out a further program as selected. In the planning are included all the available local resources, human and material, to see how far the community can go on its own. At the same time, the aim is to find out what exactly is missing for which something must be borrowed, capital or technical help.

The third phase, of course, is the implementation of the project, which implies complete mobilization and harnessing of the whole potential of the group.

The last step, of course, is the willingness to undertake additional community improvement projects.

How is this administered in terms of government? The role of the government, in such a scheme, is not to exercise authority but to promote initiative and to relate the group to outside sources of information or of help. In this respect, community development assumes, so to speak, the educational role which any administration has, and this educational role is more important with people like Indians and Metis because from their background they have not developed the skills necessary to carry on their own administration. So it is recommended that, should the policy of community development be approved or adopted, the Indian affairs branch would number, at their top level, a chief of community development who would have equal rank with the heads of divisions. Of course he would need to be trained, and he would be the one to show how the various services and resources of the branch can be brought together to promote community development. Of course, the key people in such a situation are the community workers, and the brief describes quite extensively what type of people they are, what type of work they do and what type of training they need. It recommends that, as much as possible, in the long run these community development workers be of Indian ancestry, because it is easier for them to understand the ambitions

of their people and to interpret to their people what comes from the outside. A community development program needs also to be supported by all kinds of technical specialists, but it is pointed out in the brief that the specialists are already there, but too often they work individually; each one carries out his own program and reports to his own headquarters whether in the university, the provincial government or the federal government, instead of reporting to the people for whom the services are provided. Perhaps a certain number of specialists will need to be added in order to provide the community with the technical advice necessary.

All along, the role of every outsider, beginning with the community worker, is to let the group carry the ball, so to say, and take the initiative. In practice this means that, as much as possible, committees will be set up to study the problems, to explore the local resources, to reach out to outside resources, and then to carry on the execution of the plan. When this is done, it means that the people get a chance to be involved all along, and they get a sense that this is their work, this is their community, this is their achievement. If you look back at history you find that the Indians all along, like any other people in the world, have adjusted themselves to changes, and, like any other people, they have agreed to change their general consensus in a community. Because the changes were slow in coming at first and the groups were small, there was no delegated authority to bring about a general consensus, like in our own society. We have parliament which studies a problem and we ratify what they decide. The Indian natives did not have this type of institution.

Now the changes have hit them so fast that the ordinary common consensus that can be reached through face to face relationship is impossible.

Furthermore, over the last 100 years or more we have assumed the responsibility to guide them, so to speak, and in fact to promote the changes ourselves, not always trying to get their consensus. In order to give them back the experience of agreeing to change, this community development approach is suggested, so that through committee work there will be decision reached, there will be ideas brought in and a general consensus will come about and the changes will be made. The changes will be accepted because they will come from within.

There are many outcomes of such a program as illustrated elsewhere and as illustrated in the Winnipeg welfare experiences. Not only do things change materially, but it is the people who learn or develop a knowledge of technical methods in economic production or consumption in community administration and so on. It is the kind of training which they need when they move out into other communities in order to participate in our own social life. Community development also, as has been shown, has helped tremendously to eradicate illiteracy. Once people are saddled with the true responsibility of solving their own problems and once they feel the need to reach out for more information they become aware that they need to read, and then a literacy campaign sets in. There are all sorts of other adult education outcomes from a program of this kind. Essentially, and this is what is most important, community development as experienced already in Manitoba, and as experienced in some other provinces too, at the local level, does overcome the apathy of the Indian and promotes a desire for and confidence that they can bring about the changes.

The brief does not recommend any specific pattern of administration, outside of a chief of economic development, and it does not lay out how much it would cost either.

In practical terms on a long range, it has often been said that if the Indians eventually did get involved into action and learned how to improve themselves, and learned all sorts of new skills, the welfare bill which we are saddle with

presently would decrease. The one conclusion which remains also is that the present staff of the Indian affairs branch would have to be more or less conditioned, you might say, to this type of approach, because of long-standing traditions that are different.

Finally, it is expected that at the beginning many Indian groups will not react favourably. They are definitely suspicious in many places and in many areas of anything that comes from outside; and in some places it has taken three years before they could see that this was their baby and that it was their salvation.

So much for the first part of the brief, Mr. Chairman. Perhaps there are some questions now.

Mr. THOMAS: Has not the Indian affairs branch now established this director of economic development?

Father RENAUD: Yes they have a director of economic development to promote industries and various things, but this is another almost unilateral service, you might say. It is not, as far as we can see, a community development director. This is to develop economic resources in communities whereas, what is recommended is community development, which is the people themselves.

Miss LAMARSH: As a new member of the committee I have noticed that there is quite a divergence between the briefs presented by Indians and the briefs presented by others. This brief, I might say, surely recommends itself to me in its approach. Those presented by non-Indians appear to assume that integration is the goal to which we should work. Oddly enough, these briefs say we should be listening to Indians, that they should have more participation in their own affairs from the lowest to the highest level in Indian affairs. Yet the briefs which are presented by Indian groups are those such as the ones presented this morning, and that were presented yesterday, which are going back to treaty rights, to a request to the government to be more paternal, to provide more services and in a sense make them more dependent and less capable of integrating. Has it been your experience, Father, in this Indian and Metis committee, that when those of Indian descent meet with whites, their feeling is also that we should be working towards full integration? Is this a matter of education? Is it only those Indians who are not so experienced, who have not mixed with whites, who appear to be against integration and for preservation of the relics of 120 years ago?

Father RENAUD: I am not sure I understand exactly. Would you repeat your last sentence?

Miss LaMARSH: I cannot do that, as I never listen to what I say. The sense is this, that you were saying it is a good thing to have Indians nominated on committees and to have them given more and more voice in the handling of their own affairs. Yet where we have had briefs presented here from Indian groups, they concentrate on their needs, they are asking for more paternalism, more benefits, in other words for the federal government to take almost complete charge of them. Yet your briefs and others similar seem to say that we should be leading Indians to integrate completely, to stand on their own feet as Canadian citizens, which means in a period of time, no matter how long it is, less and less federal paternalism. Has it been your experience that when Indian natives come to groups where they are mixing with whites all the time, they agree with the concept of integration and not of protection in the same old habits?

Father RENAUD: I have the impression that you are using integration slightly in a different meaning at this stage. You give it a broader meaning. You give it a sociological meaning, you might say, instead of a physical meaning. As to the experience, let us take just the case of the Manitoba and Winnipeg welfare council which seems to tell this story. Up until this time, in most areas the

Indians had so little to do with the planning of the services brought to them and so little to do with sharing costs and everything else, and to a certain extent with the execution, that they have been led to believe that the government was the only one who could do things and who should do things. In Winnipeg over the years we have seen how the Indians, and the metis of course, originally came out with the same type of request as you have been receiving here on this committee. But because it was on a workshop basis and there were people from Indian affairs, people from the various departments of the provincial government, teachers and so on, there was created an atmosphere of sharing ideas. They were given a different picture of the mechanics of Indian affairs, you see. And for the first time many of them realized that this was not so, that the local superintendent could not make it rain or shine, and that he was under regulations and under authority and so on, and that he had his own difficulties.

It was rather amusing last year in particular at one of the workshops to see how, at the end of the two days, when a newcomer came in and started to ask questions, the Indians presented the point of view of the branch.

They were aware of the difficulties of the branch in, for example, the housing program. Of course the branch people were presenting the points of view of the Indians. You see, there had been an exchange of points of view, which developed better team work.

What the Indians have learned is, first of all, that Indian affairs cannot do everything. That is for sure. And if Indians have to wait for Indian affairs to come out and do it, it may take years.

On the other hand, there are certain things which the Indians can do if they are helped with a certain amount of cash, or with certain phases of the project which they have in mind, and if they are given access to certain material resources.

Then, of course, the material resources, constitute a different problem altogether. The regulations in respect of loans, for instance, and banks and so on—this is an area which will have to be studied by this committee, I suppose, very carefully. But in general, Indians have learned that there are many things they can do, before they request anything. They have learned, as far as provincial governments are concerned, that before they request anything, they have to make sure that they have explored all the financial and capital resources among themselves or in the area in which they work.

Each year they come with recommendations which they have learned of from their reserves or communities. These recommendations or resolutions are discussed openly in these workshops.

This year I have seen Indians from other reserves, that is, people from other reserves. They will say: you do not have to write to the Prime Minister about this. You can get this through other channels. They give that kind of information, which they did not have before. And without that information, there was no other one source of action or of anything except Indian affairs. And as long as this persists, the Indians will come asking for more paternalistic things.

MISS LAMARSH: Does the Father feel that amongst the Indians—at least those of his experience—it is a popular concept to be aiming at ultimate integration, or is it a more popular concept to preserve the reserves with all the tribal customs as far as possible, and to work against integration? I mean integration in its widest sense, not just physical, social and economic; but to an end where there are just Canadian citizens, not Indians and non-Indians?

FATHER RENAUD: It is my impression, on the whole, that many groups do not like the word "integration". What they are after is definitely the preserva-

tion of something of their own, such as a home of their own, a community of their own to which they can retire in their old age, or go to on weekends and so on—in short something which is their own.

And they also want to improve their standards of living. They want proper housing, and better schools. They want more sources of income.

I would say that a large number of them did not want it. That is, they are rather afraid that if they leave the reserve for good, they will lose their home base, so to speak. Therefore they are fearful that integration would mean just that.

Now, whether they understand that they can do this in their own community, and integrate the community, and still have their own homes, and just preserve what they feel must be preserved as a group, is an important matter. After all, they have not had much opportunity to discuss these things openly and with others. And quite often enough, it is only a dream among themselves. Their information is limited.

They interpret statements from all of us, when they appear in print, for their own purpose. Mostly it is a misinterpretation. Often enough they will say that what they want is to be Canadian. They know that they want to get something. They are loyal to their background.

They feel that many educated Indians are fully integrated from a social and economic point of view, but they still insist that they feel that they have inherited something worth while preserving, which makes for happiness in their home and personal life. These are things they want to preserve to pass along to their children. Therefore, if they feel that the only way they can do this is to cling to their home base, or community, or reserve, they will cling to the reserve system.

Mr. KORCHINSKI: Going back to the original question asked by Miss LaMarsh, in speaking to the superintendents in the reserves, I found some of them rather hesitant about discussing this whole problem. That may be because they felt that they had a directive from Ottawa, as they told me, to do certain things. Yet, they personally feel that this is not the line which should be followed.

For example, consider this drift towards the welfare state and the giving to them of whatever they require. They feel that perhaps the Indian does not take enough initiative into his own hands to be able to develop himself, such as he would be able to if he were allowed to shift for himself, if I may use that expression.

Is that your impression also, that this may hamper them from developing in the way that you perhaps would like to see, as it is presented in your brief here?

Father RENAUD: You mean the set up?

Mr. KORCHINSKI: The set up as it is now, the structure: there is a need, let us say and we say that we will provide for it, if you will only see your agent. Perhaps they just want to do the things they want. Maybe it will defeat your intention here if we continue in this line, as we are doing now.

Father RENAUD: Oh yes, I think that is the impression of all of us who participated in the conference. First of all, community development was disillusioned, and the present pattern of providing services and improvements and so on was not in line with community development, because, even with a recommendation in your local group, it has to be processed in so many ways that it takes time before approval comes for it, and in the meantime, they sort of lose interest. The final decision making has to be ratified too far away, you see.

That is why in the brief they said that there is no doubt that if the community development approach is approved, that a certain amount of

orientation, to say the least, is required, with probably some changes in the structure. These would have to be made in the present set up so that the community development will not be just another service parallel, so to speak, but will be a focus whereby all the services at the local level will be integrated into community life.

Mr. THOMAS: It has been my impression that what the Father has been saying is: that the concept or the ideal towards which the Indian Affairs Department is working at the present time is this very thing.

Father RENAUD: I am not in a position to answer that.

Mr. THOMAS: And the brief implies that this is not so. I wonder if the Father would care to comment? Does the Father think that the present objectives of the Indian affairs branch, and the present indications of the government, are not leading to community development? Or does he think that they are not sufficiently stressed?

Father RENAUD: Well, let us say that the objectives are right, that the objectives of the branch and of the government are correct. We do not see community development as an end, but as a means whereby to reach these objectives. But we are not sure as yet. The practices and structures of the branch have been, overall, along the lines of community development.

Mr. BALDWIN: That brings up a point I have in mind; you regard the suggestion of this program of community development as a means to achieve an end. Going back to Miss LaMarsh's statement, you believe, after having read a number of these briefs and having been present last year when a number of organizations were here, that their complaint in effect was that they had not achieved the various material benefits which they felt might come with integration, such as a better standard of living, better housing and more economic opportunities. That is what your brief this morning seemed to cover; that there were various material things they thought they should have. On the other hand, you seem to suggest that the flexible program of community development is a means by which, if applied at the grass roots level to the Indians, they can achieve some of these things.

Father RENAUD: Yes. I am quite sure the members of this committee were struck by the variety of requests coming from various Indian groups, and the differences of opinion. We believe that community development is the one formula which is flexible enough to bring about the implementation of most of the recommendations or requests from the Indians in the various areas if, of course, these requests are definitely the expression of felt needs.

Mr. THOMAS: Father Renaud mentions the director who would head up such a branch of community development. Could he tell us what, in his opinion, should be the qualifications of such an individual?

Father RENAUD: This is quite well described in the brief. It is on page 7. He should be required at least to have experience in the use of technical assistance and community development methods. There is quite a summation here. There are more and more of these people in the world. There are some in Canada who have learned these techniques through the United Nations or with some of the newer governments around the world which have borrowed Canadians for technical assistance programs.

Miss LAMARSH: I will try to do this without offending anyone, but do I understand Father Renaud to say that there is sort of an empire feeling now in the branch, that these are all children of the empire and someone must tell them what is good for them, and that this attitude must give way to the sort of thing there is in the African nations now, of helping people to their own feet. This was brought up by a question of one of my colleagues, that there is a policy laid down by somebody within the branch, or by virtue

of legislation, that this shall be a benevolent society whether or not it crushes the Indian, and what is necessary is that the protectiveness be removed. Do you agree there is this feeling?

Father RENAUD: I would not agree in the terms that there is a feeling of that nature; that would be dishonest on my part. The government officials I know, at least consciously, do not, and they certainly do not express such a feeling, with the possible exception of one here and there. It might be that it is the structure of the branch which is not geared to this type of growth.

Mr. MCQUILLAN: Do you not think this type of development of which you are thinking would come about better under provincial guidance?

Father RENAUD: I think so. After all, municipal affairs are a matter of provincial jurisdiction. Technically speaking, I can see the promotion of the Indian community done at municipal level. In terms of administration this is what it would mean. Many communities in Manitoba have agreed to pay the cost with the province providing any apparatus, you might say.

Mr. MCQUILLAN: To me that seems to be one of the real problems we are faced with in this case. These presentations are made on behalf of a certain area or a certain group of Indians, or because of a situation prevailing in a certain province, and it is automatically taken that that will apply all across Canada. The Indian Act, being a federal act, of necessity applies in a general fashion. One of the great weaknesses is that we have one group of people governed by federal laws and the rest of the people governed by provincial laws.

Father RENAUD: Yes. This was what the Canadian welfare council brief mentioned yesterday.

Miss LAMARSH: This is perhaps a difficult question to answer. We seem to have made quite a botch out of this in the last 100 years. I wonder whether Father Renaud can say, in his estimation, that another 50 years might accomplish the end of the self-help. In other words, the various bands might be able to conduct their own affairs. Do you think it would be possible in 50 years?

Father RENAUD: It would depend on the group itself. I have the impression that some groups in Ontario, for various historic reasons which play in their favour, already have reached a stage of self-government and are running their own affairs. I believe they are very happy. The recommendation in the brief, however, is to bring this development within the reach of as many groups as possible. Certain conditions will make it impossible for smaller groups to reach that stage. This would mean that certain provisions should be made in the Indian Act perhaps to give them an opportunity to move elsewhere, possibly to another group which is larger and is developing. Perhaps the provision which restricts residence to the local band should be waived so that those individuals who cannot readily move into our own society would be able to profit from such a move. But, if this comes to pass, say, in fifty years, we would see the flowering of this.

Miss LAMARSH: The reason I have mentioned fifty years is because I am thinking of the rest of the world, such as nations in South Africa. It has been necessary to put a limited period on them in so far as the limitation of assistance is concerned, at which time autonomy will be handed over to the people to whom the nations belong. Can we, within our lifetime, look to the time when Indian affairs will be in the hands of Indians and not as a separate part of the commonwealth?

Father RENAUD: Speaking country-wise, I do not think that we will see it, because there are so many groups that are so isolated and so far behind, and with so little contact.

Miss LAMARSH: They are worse off than the natives of Canada?

Father RENAUD: I have never been in Africa, so I cannot answer your question. I know of one way in which they are worse off, and that is because they are so few in number. In Africa they have villages, large tribes and so on; however, when you think of groups such as the Chippeway Indians who are isolated in the northern sections of the prairie provinces, that is a different question. In some respects they are worse off. However, in another way, they are happier because they still have freedom of movement and so on. They are closer to their tradition and do not feel the impact of the rest of the country as yet. I would say that their cultural personality is healthier than some of the groups in the south. If I may say so, our conditions of living would be difficult to find elsewhere, particularly when you think of our long, hard winters.

Mr. BALDWIN: I suppose there is this distinction, that the Indians have just recently been given the right to vote, which of course does permit them to place pressure upon elected representatives to secure the needs they think they should have. This is quite distinct from the situation in South Africa.

Father RENAUD: Yes.

Mr. BALDWIN: Indians in Canada now have the vote, and this permits them to place pressure upon their elected representatives.

Father RENAUD: Yes. Personally, if you would allow me this reflection, I would say that I think, basically, the solution to the dead end at which the bulk of our Indian problems will be solved is when the dialogue between Indians and non-Indians will be stepped up and when the Indian and non-Indian will communicate at all levels. The vote is one thing. As you mentioned, politicians will go up and meet the Indians, and they will exchange views with them. The politicians will explain what the government can do and what it cannot do. The Indians will express their opinions.

In a community approach a lot more of this is done, as politicians from outside are pretty apt to listen to what they have in mind, and they would share the experience of the non-Indian in tackling such-and-such a problem. As more and more of this resolves itself, I think that more and more Indians will feel that probably the barriers of their reserve have to be removed, inasmuch as they will accept non-Indians to live among them. Once they discover that there are more and more people willing to help them, instead of destroying them,—white-wash them, or whatever you want to call it—and once they realize there are more individuals, technicians and so on, who are willing to share their community experience, they will invite them to live with them just as the newer countries are inviting many of the technical experts who go down there, to remain there. They offer them all sorts of facilities which they would not get in Canada.

Mr. MCQUILLAN: Mr. Chairman, this is a somewhat different situation, as it pertains across Canada. We have 185,000 Indians, which is about the population it was when the white man first came to Canada. There never has been sufficient population, and there still is not in many areas, to develop an economy of their own. They never had an economy. I still revert to this, that I do not think that the Indian lot was a happy one, because if it had been, before the white man came, the country would have been well populated.

Father RENAUD: Well, there are many factors missing which would have been necessary to promote human growth on our continent. I am thinking of the lack of horses and easy means of communication. Then there is also the weather. It prevented farming even on a primitive scale.

Mr. FANE: You are talking about the time before the white man came?

Father RENAUD: Yes.

Mr. FANE: There were many other factors which you would have to take into consideration in comparing it with the present situation, such as the continuous battles amongst the various tribes.

Father RENAUD: It has not been established that there were that many battles. They were too busy trying to make a living to become engaged in long-range battles.

Mr. FANE: Perhaps so, but those are the things you hear about.

Father RENAUD: One thing I would like to state here, in connection with this brief and what we have been discussing, is that, notwithstanding all their shortcomings in terms of economic development and material standards of living, the Indian groups do have a sense of ethnicity, and no matter how poor the comparison between their forefathers and people elsewhere, they still believe that, sure enough, we do not have this and that, and so on, but we had something. This is what we have to respect, and this is what this brief recommends.

The JOINT CHAIRMAN (Mr. Grenier): Are there any more questions on this part of the brief? If not, I would ask you to continue, Father Renaud.

Father RENAUD: The second part of the brief is an extension, you might say, of the community development approach to education. Here again there have been many recommendations made to this committee by various groups, which are repeated in this brief. However, they are grouped in this community development approach, the idea being that the people in the local community must be equipped with skills which will hasten community growth and the educational activities within the community must be, to a certain extent, planned and controlled, you might say, at various stages and various phases, at least within the reach of control of the local communities.

The most significant statement is on page two and everything that comes after it is in explanation of it. It starts off by saying:

Generally speaking, in our Canadian society, all the activities of the school are based on or inspired by the cultural background of the community in which it operates, and aim at preparing pupils for life in this community. The role of schools as a means to solving problems facing the Indians is of a slightly different nature in that schools attempt to prepare the pupils for life in a community other than that from which the majority of the pupils originate. We have shown earlier in our discussion on community development, that there is a need to greatly improve the kinds of communities in which people of Indian descent are living. The role of the school in the program of the Indian Affairs Branch must be seen in the light of our discussion on community development. The schools become not only a medium for transmitting culture but to a certain degree for changing it. The schools must attempt to bring to the Indian communities such skills and information as are required to make it possible for the Indian people to recognize conditions in their own culture which are not suitable and want to change them.

This is again in terms of the local community because many of the skills are present in certain communities and are not present in others.

Our brief continues:

When the Indian culture has become adapted to the needs of the modern Indian, it is likely that their school system may start playing a role which will be more similar to the one being played by our other Canadian schools. Until this happens, there is a need for combining in the Indian school system the information, skills and social climate which will make change possible.

Then the brief goes on to deal with the kind of structure which would be necessary to bring this about, and in that particular area its recommendations are quite specific so far as the Indian affairs branch is concerned.

It may add that it contains a very elaborate description of the administrative organization within let us say, the province of Manitoba, which could be repeated or duplicated in other provinces, in order to use more and more the schools which are already present in various communities to serve that function for the present generation. I do not know whether it is necessary, or whether we have time to go through this part of the brief in detail. To a certain extent it describes an almost autonomous situation in a regional office which would handle everything that concerns education.

The present set up in the branch is, terminologically speaking, on the staff type of organization. At headquarters and regional level are the provincial and regional superintendents, so that everything which pertains to education goes through the regular line of personnel in the branch. For instance, administration is all carried out by the local superintendents who handle administratively every other service of the branch.

What we suggest is a separate setup for education so that the educational experts will have more time to concentrate on the manipulation of, shall we say, the curriculum, helping teachers to adjust their teaching to the local group in order to sponsor local community development and, at the same time, the administration will look after the integration of the school with the community. One recommendation in particular which is well taken is on page 8, dealing with the local committees.

Now, a branch has already sponsored many committees on the reserve. What this brief recommends is that these committees be given an active share in the operation of the school, not only a marginal role, but an essential role. The recommendations on these two pages about local committees are based on experience with metis communities where this has taken place and where the results have been very interesting, as is stated on page 11. The school has become the direct concern of the community, instead of being a government school. The local people have developed a keen interest in education, they feel it is their school. The grade level has been raised, and the community as a whole has become cooperative—there has been less window breaking and so forth. Of course the community, as a whole, has developed a pride in its school building—it has become their school. Further on it is mentioned how the school becomes more the school of the community when it is built and when provision has been made for adult education, so that the parents feel that this is their school as much as the children's school. This means, perhaps larger desks so that adults can sit, and so forth.

The curriculum section repeats, perhaps in greater detail, what has been recommended by many briefs, including the Indian-Eskimo association, and insists on one point—that of physical education. It spells out an expanded program of guidance and follow-up which would need to be much more elaborate than at present.

The brief also illustrates what has been recommended by other briefs, namely teacher training for this type of work. Again, the recommendations are quite clear and specific without needing further explanation on my part.

Now, one thing which is in the experience of Manitoba, is found on page 19 concerning local high schools. The experience with metis communities, as with many other communities, is that the closer you can have a high school, the more pupils attend. Of course, it implies that if you want to have a fair-sized high school, that you make it a regional high school without trying to make a mammoth composite high school. But the experience is, that if it is within not too far a distance and the pupils have access to the high school all the way to grade 12, more of them go to it, rather than if you have to take them

out from the community altogether to be residents in hostels or private homes. In those cases less pupils attend the school because it means more adjustment. Also, once you have a high school in an area, and if the reserve or the community is large enough to have a local high school, it is harder for the children to leave the school before grade 12.

There is a trend to go all the way up, and this is what they recommend here, that as much as possible there should be regional junior high schools up to grade 12. Of course, this is another thing which is considered in the community development approach—if you have a high school within access of the majority of pupils, the adults learn a lot more from it than if the children have to go to another city and live in homes and hostels. Mind you, it is true that at the high school level, housing conditions have to be better. High school grades do require a certain amount of homework and study, and it cannot be done in a small house where the whole family is cooped up in two rooms. Again, you can see the connection between community development and education. But there is a definite feed-back into the local community when the high school is close to the children and to the specialists who are present within reach of the adults.

There is also, on page 20, a very detailed description of pre-technical schools. This is something that the other briefs have also recommended; but here again there is a more detailed description of what could be done—short courses in order to teach Indians to earn a living in various skilled trades. Again, I do not know that it is necessary to go through this.

The chapter on adult education is something that is found in another brief, but it is spelled out here more clearly, and it recommends that in hiring teachers, priority be given to those with experience in adult training, because it is not enough to say: all right, we have got teachers, all they have to do is organize classes and invite the Indians to come in and take night classes in arithmetic or reading, and so on. It does not work that way. Adults usually take courses for special interests and it is those interests that must be the start of the courses or the program of adult education.

There is a recommendation for the appointment of a full-time adult educator at a regional level to work with qualified teachers throughout the province. An adult education moderator in a province would be able to draw on the resources of the province outside of federal agencies. Here and there you will notice there are compliments to the branch for many of the things it is doing, particularly in the field of scholarships. This is where Indians are better off than Metis in Manitoba because they have access to scholarships and so on.

Mr. THOMAS: I note that there is very little reference, if any, to integrated schools in this brief. Would the Father care to comment on that?

Father RENAUD: Mr. Chairman, this is for two reasons. One is that in many areas of Manitoba you just cannot have the integrated school, to start with, as in the majority of Indian communities, whereas you can have an integrated school with metis or people of non-Indian status.

Miss LaMARSH: Why?

Father RENAUD: Secondly, the brief is in line with community development, and community development in terms of communities is away below our standards. It is on the assumption that children from groups that are closer to Indian tradition and further away from our own profit much less from the integrated school. In fact, some surveys in the United States have shown that they progress less than if they are in their own school because the home background is so different. The teaching that goes on in the integrated school is in relation to whites and it is aimed at the home background of the non-Indians; and if there is too much difference between the two home backgrounds it is the Indian that stays on the wayside.

In many instances it is easy to understand that the teacher who has both groups of children, particularly if there is a great variation between the culture levels, let us say, of the two groups, finds that she has to cater to the top group, so to speak. The parents are close by, they are on the school board and everything else, and the children are going on to university and so on.

In some areas, as in the Cariboo district for instance, where you have settlers of recent establishment, the association between the two is much closer. Then there is the program of the school, the on-going curriculum is closer to the Indians and there the integrated school can work.

In Manitoba and many other areas, particularly if you have your program of community development at the start, it is better to have separate schools, particularly if you want to teach English to start with. In an integrated school, unless you have teachers who are specialists in teaching English to new Canadians, you do not have the type of specialist who will bring the children into the regular course.

Mr. THOMAS: What about the high schools? Would these comments of yours apply with as great force to high schools as they do to elementary schools?

Father RENAUD: Well, the comments for high schools are in terms of a regional set up. If, in the area, there could be a mixed school to which Indians would have access, if it is a community school, as you might call it, and if the Indians are well prepared for it, then sure; but for so many programs it is much better to have them in a high school or in a common high school, because a common high school would usually have more facilities.

Mr. THOMAS: Let us say there is an Indian community large enough to support a high school. Would you say it would be better for that community to supply a high school of their own rather than to van their children outside of the Indian area to surrounding high schools?

Father RENAUD: It is hard to decide. If you are going to get more Indians to complete their high schooling, I would prefer to have the school in the centre of the Indian agglomeration, because, after all, there are two things involved in education: there is academics, and there is social contacts.

From my point of view academics come first. And if more Indians do reach grade 12 through their own schools, let us say, they will feel all the stronger; they will be more able to compete with the whites than if they take up merely social courses through attending grades 9 or 10, and then pull out. This varies, of course, from area to area.

Mr. THOMAS: I gathered from your comments that you feel that the Indian children might find a reason to feel less secure in an integrated school than they would feel in their own school.

Father RENAUD: Oh yes. In many ways that has been my experience. Many of the graduates, let us say, from "Lebruk," where we have an old Indian high school, have told me that they would not have survived in a mixed school, because as has been mentioned in this committee,—I think Dr. Munro brought it out last week—many Indians who go to high school become discouraged. They tell me this: that if we had been in competition with non Indians, we would have become discouraged. We would feel that we are Indians, and that we cannot make it. But when you have an Indian group, there is always one who is not discouraged, and he comes up with first grade marks. So the others cannot blame themselves, because he is an Indian and he is doing well. But you cannot generalize with a thing like this.

Mr. BALDWIN: What Father Renaud, in effect, is saying is this: he emphasizes in part 1 of the brief that flexibility is the very basis of this community development program which you have in mind. Is that not right?

Father RENAUD: Yes.

Mr. BALDWIN: And so far as the educational aspect of it is concerned, you must base your requirement on the particular community which you propose to develop, and give the area a chance, an opportunity.

I was very much taken in what was said, because there are, in the district of Fort Drummond, some 5,000 people. These include a number of white people, some of whom have lived there for 100 years. It also includes a number of Metis, and a number of Indians. Do you think it would be advisable—and I take it that you would say yes from what you have said before—for the Indians to go to school, particularly to high school in that community, especially if they should instal an integrated high school where they would be going to school along with children with whom they have grown up and have known for many years. That would be an ideal situation, would you not say?

Father RENAUD: Oh yes, I would think so, because if there are 5,000 people, I imagine you could support a fairly good high school there. That high school would reflect the area in many respects. It would include the children of the area, and they would not be split up. That is the problem, it seems to me. It would involve their bucking down and doing book work, which is awfully hard for children of the wilds; and secondly, they are strangers to life in houses which they have never been in, and so on.

Mr. BALDWIN: It would be preferable for them to complete their high schooling there, rather than to go away to a larger center completely out of the environment that they have been used to.

Father RENAUD: Oh yes, I am convinced that you would have more of them going through.

Miss LAMARSH: May I ask the Father what he meant by the very flat statement he made, when he suggested that in Manitoba it is not possible to have schools of Indians and non-Indians, unless it is the Metis.

Father RENAUD: Yes.

Miss LAMARSH: What do you mean?

Father RENAUD: I mean that it is impossible. The groups are isolated; they are on their own. You have, for instance, Island lake where perhaps you have 1,500 Indians in one area. There is no road. How could you get them into an integrated school?

Miss LAMARSH: You told us you do have many Indians in Winnipeg.

Father RENAUD: Yes.

Miss LAMARSH: I assume they go through the regular school program?

Father RENAUD: Yes, those who live in Winnipeg.

Mr. MCQUILLAN: What proportion of the Indian population would live in a remote area of the province?

Father RENAUD: At least sixty-five per cent, if not more.

Mr. THOMAS: Following along on the question of the ability of the high school Indian students to compete with the non-Indian students, what is the experience in the city of Winnipeg? Are the Indian children in Winnipeg of high school age successfully competing?

Father RENAUD: In respect of the local Indians who are in Winnipeg, too many of them are not going to school at all. This is what brought about this survey. The Indians were living in slums. The parents were going to jail. Thirty-five per cent of the monies paid in social welfare by the city was going to people of Indian background. There is a good deal of work to be done in order to recuperate the young people who missed out on schooling. Maybe some of them had a few years, but others had none at all.

Mr. THOMAS: Would you say that the experience in that regard in connection with the Indian population of Winnipeg is worse, better, or the

same as the experience with the non-Indian population of Winnipeg whom we might describe as belonging to the same economic level or group?

Father RENAUD: I do not know that I can answer that question. Let us say that if you have poor new Canadians in certain areas it seems to be just a transition for them. They start there in the slums, closer to the downtown facilities where there are no transportation problems and there is entertainment galore. Then they move out.

Mr. THOMAS: Would their children go to high school?

Father RENAUD: I presume they would. The family would move out into better accommodation and they would be drawn into the standardized process of our system; whereas the Indians remain there and the families go back on the reserve for a while or go back in the bush as they would say. It is still not clear exactly what goes on in that type of subliminal group. In making its survey the province of Manitoba has had two anthropologists this summer investigating conditions there. There is a whole volume reporting on the patterns of living.

Mr. McQUILLAN: At the beginning of your submission you mentioned that this was approved by various welfare authorities across Canada.

Father RENAUD: The community development program is advocated by other groups.

Mr. McQUILLAN: The educational problems.

Father RENAUD: That varies, of course, with the experience of each group in each area,—the facilities they have had, the people they have had to play with, and the amount of orientation they were able to give to their associates. There are no two situations the same. For instance, from our own experience, we have different groups working in various areas. In some areas we can see that a certain pattern is good and yet, in another area, it does not seem to work out because the factors are different.

Mr. McQUILLAN: Two very prominent Indian leaders—and they are Indian themselves—in British Columbia have expressed very strongly to this committee that we must have integrated schools wherever possible. In fact, one of them said to me that he was willing to fight over it because some of the band wanted to have this separate school, and he was very much against that.

I think, in general—and I am speaking primarily of the coastal area—the experience has been that the sooner you can get the Indian child into the regular provincial integrated school, the better it is both for the child and the parents.

Father RENAUD: Well, my understanding of the coastal community human beings, which we call Indians, as we call the others across Canada, is that from an anthropological and sociological point of view they were ahead from the civilization point of view—civilization meaning living in a settled way of life. They had large villages and a political structure. They had all these various activities. They even had slaves, and their economy was fairly prosperous. They had an ample supply of food. It is a source of admiration to students of anthropology that here was a group of human beings who were not farming but had nevertheless developed an advanced stage of civilization which is almost unique, because of the ample supply of food. So all that needed to be done was to improve the fishing and marketing techniques, and so on, and to establish the other patterns of our type of society.

They had their own villages, and as there was a school there it was easy to have a day school. The other communities of human beings who came had the same kind of economy to a certain extent. I can understand why these two chiefs would advocate what you have said.

Mr. McQUILLAN: There seems to be a misconception among a lot of non-Indians in that they seem to think that any Indian east of the Rockies is a much superior being to some of the others.

Father RENAUD: That all depends on the individual's point of view.

Mr. SMALL: It generally works the other way around. In the States the northern people think they are superior to the southern people. You find that same situation in the white population, as well.

Mr. FANE: There is something I have been wanting to ask for quite a long while, and it is this: I should like to ask Father Renaud what his feelings would be if the education of the Indians was left entirely to the provinces in which they lived, and if all the churches kept out of the business of educating the Indians. Do you think that if such were the case, they would be better off?

Father RENAUD: Well, that is a loaded question, is it not?

Mr. FANE: Well, I would like to put the question. The Indians in my district have told me that if the churches would keep out of it entirely, it would be much better. There are three or four different churches involved in the reserves in my area. It appears to be the feeling of several that if all the churches would keep out of the education business, they perhaps would be in a better state to become integrated.

Father RENAUD: It all depends on what you mean by education.

Mr. FANE: I mean academic education. I do not mean religious education. Religious education is definitely in the domain of the church.

Father RENAUD: Yes, but outside of religious education, if it is to be the development of native abilities in relation to the environment, the local and regional environment, and if this is carried out, any agency that does a good job is a good agency. If the process is restricted to religious education, then there is no doubt they are missing the boat on what they were supposed to give. Now, I would not pass a judgment on the whole country and say that all the churches should be out.

Mr. FANE: I was just wondering if their education should not be left entirely to the provincial education laws.

Father RENAUD: Let us agree that so far as the standards and the certifications are concerned, it is the responsibility of the province. Inasmuch as the federal government has the responsibility to see to it that the Indians are well educated, I think the responsibility lies with the federal government all along. Whether it is the federal government which should provide the services is a different thing altogether. The constitution leaves education to the provinces, so I will not argue on that one. I see, however, that the federal government has a responsibility to see to it that these services are turned over to the provinces, that the educational needs of the Indians are met; and I do believe that the federal government would have to maintain a kind of supervisory role in this connection, because the Indians have signed a treaty with the federal government.

Mr. FANE: Definitely, but the federal government does not seem to assume the responsibility for academic education of these people. It is up to the provincial governments.

Father RENAUD: It is not equipped to provide it and it should not duplicate what the technicians of the province have done. It should see to it, however, that this provincial service is applied in the best way. If, let us say, tomorrow the whole thing was given over to the provinces, many Indian groups would suffer because the provinces in many areas have not developed the experience to deal with this type of education, which is a very specialized type of education. As more and more of them concern themselves with metis, there is no reason why they should not eventually take over.

The JOINT CHAIRMAN (*Mr. Grenier*): I thank you very much, Father Renaud.

Father RENAUD: Thank you, Mr. Chairman, and I thank every member of this committee for their kind attention.

The JOINT CHAIRMAN (*Mr. Grenier*): Before adjourning we shall hear Chief Cook who was here this morning. I would like to hear him again on a few specific points. Is that agreeable to the committee?

Chief Cook: Father Renaud is quite right in what he spoke about, but there is one gentleman here who made a remark that we Indians are always fighting. How can he prove it when the white man was not here to see us fighting all the time?

Mr. FANE: I made that remark, but that was just from history.

Chief Cook: I will take it as a joke.

Mr. FANE: You are a good fighter yourself.

Chief Cook: I was a good runner too, at times.

Mr. FANE: I was too.

Chief Cook: I would like to say a few words on education, about which Father Renaud has spoken, education at home on reserves. I will give a few examples of the Metis. There were three or four settlements not far from our reserve, the furthest one about 24 miles. Some of these Metis, I guess, are just as dark as I am and they are educated right at home. Some of those girls are teaching school in different communities. I think if the Indians got the same education they would do the same thing.

Mr. FANE: I know it.

Chief Cook: If they got the education right at home, that would be so, but when they go away from home most of them do not have the same feeling. I can give some examples of that. Where there are two Indian children going to school in Winnipeg, the white children are running about after them calling woo-woo-woo-woo!! The sister then tells the other not to listen to them.

That is why we are against integration, especially in the cities, because the white children do that. Of course it is the parents' responsibility. I do not blame the children. In the case of those children who go to school amongst white children I have seen it myself where they have mixed with one another because they knew each other from childhood and are right at home with one another. That is quite right.

The Peguis is one reserve mixed in with a lot of white people and some of them go to the same school. I know of some white children who go to the Indian school, but in the cities I am against integrating. In fact, the child would not stay. At the first chance the child would go away home, because it is not accepted. That is one thing I want to make perfectly clear.

There is one other thing which Mr. Jones brought up today about trap nets. I did not finish on that this morning. These trap nets that they introduced mean that there are only a few men who operate these nets. I think it is three men to one net. These nets cost from \$600 to \$1,000. What poor fisherman could afford to have a net like that? And how many fish is he going to get by the time he will operate? He needs a boat, two boats, which cost no less, with a motor, than \$1,000 a piece.

That was a very, very foolish idea, whoever brought these trap nets into existence for trial. Now that the companies has these nets, they are the only ones that can afford to operate them. I want to make that clear. It was a foolish plan, whoever first introduced it. I am just talking from what I have heard, I am repeating what I have heard. It was a foolish thing for the Indian department to do. There were hundreds of men and the men who usually made a livelihood on this fishing now are there just to look on, when these nets are operated with a few men; whereas before the trap nets everyone was a fisherman and all made a living. Some made money, but most of them made a fair living. Since these trap nets have come in all that has gone away. I am absolutely against trap nets being used on Lake Winnipeg.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you very much Chief Cook.

Chief Cook: Thank you, ladies and gentlemen.

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

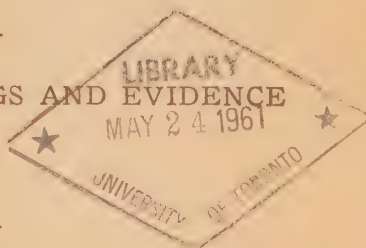
Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7



WEDNESDAY, APRIL 26, 1961

THURSDAY, APRIL 27, 1961

· WITNESSES:

From the Queen Victoria Treaty Protective Association: Mr. Solomon Bluehorn, Vice-President, and Mr. Albert Chatsis, Interpreter.

From the Thunderchild Band: Mr. Edgerton Thunderchild.

From the Qu'Appelle File Hills Agency: Chief John Gambler and Chief Lawrence Thompson.

From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs Branch.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman,</i>	Hon. M. M. Fergusson,	Hon. S. J. Smith
Hon. W. A. Boucher,	Hon. R. B. Horner,	(<i>Kamloops</i>),
Hon. D. A. Croll,	Hon. F. E. Inman,	Hon. J. W. Stambaugh,
Hon. V. Dupuis,	Hon. J. J. MacDonald,	Hon. G. S. White—12.
	Hon. I. Méthot,	

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman,</i>	• Mr. M. A. Hardie,	Mr. H. C. McQuillan,
Mr. H. Badanai,	Mr. W. C. Henderson,	Mr. R. Muir (<i>Cape Breton</i>
Mr. G. W. Baldwin,	Mr. A. R. Horner	<i>North and Victoria</i>),
Mr. M. E. Barrington,	(<i>The Battlefords</i>),	Hon. J. W. Pickersgill,
Mr. A. Cadieu,	Mr. F. Howard,	Mr. A. E. Robinson,
Mr. J. A. Charlton,	Miss J. LaMarsh,	Mr. R. H. Small,
Mr. F. J. Fane,	Mr. S. J. Korchinski,	Mr. E. Stefanson,
Mr. D. R. Gundlock,	Mr. R. Leduc,	Mr. W. H. A. Thomas,
	Mr. J. J. Martel,	Mr. J. Wratten—24.

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, April 26, 1961.

(9)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman and Stambaugh (3).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, Horner (*The Battlefords*), Howard, Korchinski, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Small, Stefanson, Thomas, and Wratten. (20)

In attendance: From the *Queen Victoria Treaty Protective Association:* Mr. Solomon Bluehorn, Vice-President and Mr. Albert Chatsis, interpreter. From the *Thunderchild Band:* Mr. Edgerton Thunderchild. From the *Qu'Appelle File Hills Agency:* Chief John Gambler, Chief Lawrence Thompson, and Chief Victor Starr. From the *Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director. From the *Department of National Health and Welfare:* Dr. P. E. Moore, Director of Indian and Northern Health Services.

The Chairman announced that a meeting of the Steering Committee would be held at the conclusion of today's sitting.

The Clerk read the Second Report of the Subcommittee on Agenda and Procedure as follows:

1. Your Subcommittee recommends that representatives of the following Indian Groups be called to appear before the Joint Committee on Indian Affairs on April 26, 1961:

- (a) Qu'Appelle Indian Advisory Council of Chiefs Independent (2 official delegates)
- (b) Queen Victoria Treaty Protective Association (2 official delegates)
- (c) Thunderchild Band (1 official delegate)

Your Subcommittee recommends that the Committee pay, on behalf of the official delegates of the above-mentioned Indian groups, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (Such period not to exceed two days).

2. Your Subcommittee recommends that the submissions of Indian Bands and other organizations who have not made an oral presentation should be printed as appendices to the Committee's proceedings.

On motion of Mr. Baldwin, seconded by Honourable Senator Inman,

Resolved—That the Second Report of the Subcommittee on Agenda and Procedure be now concurred in.

Mr. Bluehorn and Mr. Chatsis were called, and Mr. Chatsis read the brief of the Queen Victoria Treaty Protective Association.

The Committee considered the recommendations in the above-mentioned brief section by section and Mr. Bluehorn and his interpreter, Mr. Chatsis, were both questioned and supplied additional information thereon.

Mr. Jones also supplied information on various related matters.

Mr. Chatsis stated that his association was given very brief notice to prepare their submission. Mr. Grenier advised that the delay was due to the inability to locate the President of the Association, Mr. Jack who was away on his trapping lines.

At 11.00 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(10)

The Committee resumed at 3.30 p.m., the Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators Gladstone, Inman and MacDonald (3).

The House of Commons: Miss LaMarsh and Messrs. Badanai, Baldwin, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, Horner (*The Battle-fords*) Martel, Small, Stefanson, and Thomas. (14)

In attendance: Same as at morning sitting.

Mr. Grenier made an explanatory statement in reply to Mr. Chatsis, who at the morning sitting stated that his group was given very brief notice to prepare their submission.

Mr. Thunderchild was called, and on his behalf, Honourable Senator Gladstone read the brief of the Thunderchild Band and then elaborated on various points of the brief.

The Committee considered the resolutions in the above-mentioned brief and Mr. Thunderchild was questioned thereon and supplied additional information thereon.

Mr. Jones answered questions on various related matters.

Mr. Thunderchild was then permitted to retire.

Chiefs Gambler, Thompson, and Starr were called.

Agreed—That the brief of the Qu'Appelle Indian Advisory Council of Chiefs Independent be taken as read and included in this day's evidence.

Chief Gambler made a statement dealing with, amongst other things, Indian Treaties, and Indian constitutional rights.

The Committee considered the above-mentioned submission page by page and Chief Gambler was questioned thereon, assisted by Chief Thompson.

The questioning being continued, at 6.00 p.m., the Committee adjourned until 9.30 a.m., Thursday, April 27.

THURSDAY, April 27, 1961

(11)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m., this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present: The Senate: Honourable Senators Boucher, Gladstone, Horner, Inman, MacDonald, and Smith (*Kamloops*). (6)

The House of Commons: Miss LaMarsh and Messrs. Badanai, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, Horner (*The Battlefords*), Howard, Korchinski, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Small, Stefanson, Thomas, and Wratten. (18)

In attendance: From the Qu'Appelle File Hills Agency: Chief John Gambler, Chief Lawrence Thompson and Chief Victor Starr. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed consideration of the brief of the Qu'Appelle Indian Advisory Council of Chiefs Independent with Chiefs Gambler and Thompson being questioned thereon and supplying additional information.

Chief Gambler tabled a copy of letter from Messrs. Fyffe & Fyffe, Barristers, to the Honourable Mrs. Fairclough dealing with "Extension of Vote of Indians". (*See Appendix "P1"*):

The questioning being concluded, Chief Gambler thanked the Committee for the opportunity of presenting his submission.

At 11.00 a.m. the Committee adjourned until 9.30 a.m. Tuesday, May 2nd.

M. SLACK,

Clerk of the Committee.

EVIDENCE

WEDNESDAY, April 26, 1961

The JOINT CHAIRMAN (*Mr. Grenier*): Good morning, ladies and gentlemen. We have a quorum. We shall start right away, because we have quite a bit of work to do.

First I would like to announce that there will be a steering committee meeting after we have heard the three bands which are here today.

Now I shall ask the clerk of the committee to read the second report of the steering committee.

The CLERK OF THE COMMITTEE: It is as follows:

SECOND REPORT OF THE SUBCOMMITTEE ON AGENDA AND PROCEDURE

1. Your subcommittee recommends that representatives of the following Indian groups be called to appear before the joint committee on Indian affairs on April 26, 1961:

1. Qu'Appelle Indian Advisory Council of Chiefs Independent (2 official delegates)
2. Queen Victoria Treaty Protective Association (2 official delegates)
3. Thunderchild Band (1 official delegate)

Your subcommittee recommends that the committee pay on behalf of the official delegates of the above-mentioned Indian groups, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (such period not to exceed two days).

2. Your subcommittee recommends that the submissions of Indian bands and other organizations who have not made an oral presentation should be printed as appendices to the committee's proceedings.

The JOINT CHAIRMAN (*Mr. Grenier*): May we have a motion to adopt the report?

Mr. BALDWIN: I move the adoption of the report.

Senator INMAN: I second the motion.

The CHAIRMAN: It has been moved and seconded that the report of the subcommittee on agenda and procedure be adopted.

Motion agreed to.

We have three groups here today to be heard. They are the File Hills Qu'Appelle Indian agency, the Queen Victoria Treaty Protective Association, and the Thunderchild Band. We shall start with the Queen Victoria Treaty Protective Association whose representatives are Mr. Solomon Bluehorn, vice-president of the Queen Victoria Treaty Protective Association, and Mr. Albert Chatsis, a treaty Indian of the Poundmaker Band, who will act as interpreter for Mr. Bluehorn.

We shall now ask Mr. Chatsis to read the brief on behalf of Mr. Bluehorn, I mean the brief of the Queen Victoria Treaty Protective Association.

Mr. ALBERT CHATSIS (*Treaty Indian of the Poundmaker Band*): To the hon. joint committee of the Senate and House of Commons on Indian Affairs: The brief herein is being submitted by the Queen Victoria treaty protective association, which is composed of Indians of some of the tribes inhabiting reservations in the Battleford, Meadow Lake, and Shellbrook Indian agencies, Saskatchewan.

In order to supply the members of this honourable committee with some background regarding our aims and reasons for the recommendations we are presenting, we wish to point out that the aims of our organization are to try to hold our treaty rights, as long as the rivers flow, grass grows, and the sun shines, which were made with our tribes at Fort Carlton on August 24, 1876 and at Fort Pitt on September 7, 1876 and referred to as treaty No. 6. We believe it is necessary for our members to be ever on the alert in order to assure that the agreements and promises made and included in our treaties shall at all times be abided by and protected against changes that would tend to encroach upon our rights and the protection we have under these treaty agreements for the welfare of our people. We would like to have this assurance from your honourable committee. We wish to discuss with you our rights under treaties, and the following is a list of subjects that our members believe should be given consideration by your honourable committee:

1. Treaty rights and promises to be discussed. Liquor and voting rights to be explained.
2. Financial assistance for Indian religious ceremonies.
3. Integration. Indian children attending white schools.
4. Need for a new boarding school for less fortunate Indian children, to be equipped to teach manual training.
5. Reasons for removal of farming instructors from Indian reserves.
6. We are against private band council meetings. We request an explanation as to why this system has been pushed upon us. We want the old system and that our chiefs shall be elected for a lifetime term of office.
7. We are against the Saskatchewan hospitalization cards. We want back our treaty promises for free government medical care for Indians.
8. We want hunting privileges as promised in our Treaties. We want more fishing privileges, more waters to fish. More land to hunt on.
9. We feel that what little treaty promises that were made should all be fulfilled and that no political party should expect more from us than the large tract of land taken over from us.

We the members of the Queen Victoria treaty protective association humbly request that your honourable committee give careful consideration to our suggestions and recommendations and that you convey to the Queen's government our thanks and appreciation for this opportunity of appearing before you. We have faith in your good intentions towards our people and we hope our recommendations will be implemented, and we assure you that our members are proud to be Canadians and to be loyal subjects of Her Majesty the Queen and to abide by the treaties made with our forefathers.

The JOINT CHAIRMAN (*Mr. Grenier*): Has the committee any questions to ask of Mr. Bluehorn concerning the different recommendations in the brief? Mr. Baldwin?

Mr. BALDWIN: I would like to ask the spokesman about a statement in third line of the second paragraph, where he says:

We wish to point out that the aims of our organization are to try to hold our treaty rights, as long as the rivers flow, grass grows, and sun shines.

Would you not add to that that the aims of your organization are to improve the conditions and lot of your people? Would that not be your motive or desire as well?

Mr. SOLOMON BLUEHORN (*Vice-president of the Queen Victoria Treaty Protective Association*): (*Interpretation*) We are mainly trying to hold our treaty rights. There were enough promises in the treaty which have not been fulfilled yet, which could have improved our living conditions on the reserve.

Mr. BALDWIN: If, because of the changed conditions which now exist, it is necessary—and if your people would be satisfied that certain changes are necessary in treaty rights to improve your conditions—would you be prepared to accept such changes?

Mr. BLUEHORN (*Interpretation*): The government of Canada should try to fulfil its treaty promises first, and then try to change them afterwards. According to the treaty books there were a lot of promises made in the treaties.

Mr. HOWARD: The first paragraph of your brief states that your association consists of some of the tribes in these particular agencies. Did the treaty not embrace all the tribes? I wonder why only some of them are in your association. Do you represent only part of the tribes?

Mr. BLUEHORN (*Interpretation*): Our association was formed and set aside from the federation of Saskatchewan Indians. Some of the members of the Saskatchewan federation joined our association and some of them remained in the federation. The ones who joined the Queen Victoria protective association were those who did not want the liquor and voting rights. That is why they separated.

Mr. HOWARD: Mr. Chairman, I wonder could the witness tell us how many tribes of people does his association represent—how many bands?

Mr. BLUEHORN (*Interpretation*): This is not mentioned in our brief and I am only supposed to work on the themes which are included in the brief. I have a record of our membership back home showing how many reserves and how many Indians are with us.

Mr. HOWARD: But you do not have that information with you?

Mr. BLUEHORN (*Interpretation*): No.

Mr. THOMAS: What does your association have in mind in the way of financial assistance for Indian religious ceremonies?

Mr. BLUEHORN (*Interpretation*): This financial assistance is sought because we Indians believe that our beliefs are just as right as the beliefs of the white people. Therefore, we want the government to assist us financially when we are doing our sun dances and chicken dances and so on. We feel there is a lot of truth in these ceremonies. When God made the world he made people in two separate islands and gave a religious belief to each island. That is what the Indians believe and they want financial assistance to help them in holding their ceremonies in the summertime, and even during the winter. We feel it will help our young children to stay with us.

Mr. THOMAS: I have a supplementary question to that. How would the money be used if grants were made to assist these religious ceremonies?

Mr. BLUEHORN (*Interpretation*): When white ministers and preachers need some money they can raise it by making collections and receiving donations. The Indian people do not do these things. At the time when there were no

white men's laws we were able to get food to help us in celebrating these ceremonies; but today, when we have a need for money, there is no way for us to get it.

Mr. SMALL: That was not included in the treaty rights.

Mr. BLUEHORN (*Interpretation*): No, but we are asking for something from the government.

The JOINT CHAIRMAN (*Mr. Grenier*): To proceed in a more orderly fashion I suggest that we go through the recommendations separately. Are there any questions on recommendation number one?

Mr. GUNDLOCK: In your brief you suggest that certain sections of the treaty rights are not being kept, and you even suggest that they have been deleted in some cases. I should like to know the details of the sections that are not being kept, the part that is missing and the part that you are seeking?

Mr. BLUEHORN (*Interpretation*): Do any of you people have copies of the treaty which you could read in the evenings and see the things that were promised?

Mr. GUNDLOCK: Mr. Chairman, I realize that probably we should be more familiar with the treaties but I think we must all realize that some points in the treaties are not effective. Sitting on this committee I have heard many Indian representatives say themselves there are certain parts in the treaties that should be deleted. Of course, they also say that provisions should be added to the treaties which were not in them originally.

Mr. BLUEHORN (*Interpretation*): Treaty number six, in the treaty book, says the Indians were supposed to get \$1,000 every year, probably in the spring, and we never received this \$1,000 now.

Mr. GUNDLOCK: Per person?

Mr. BLUEHORN (*Interpretation*): No, for the band.

Mr. SMALL: Just for the band?

Mr. BLUEHORN (*Interpretation*): For each reserve.

Mr. GUNDLOCK: I have just one more question to put, and I am not trying to be ambiguous about this. As a matter of fact, Senator Gladstone and I are neighbours at home and I have discussed the treaties with him. However, I am not familiar with the area from which the witness comes and I should like to know what are the particular things which bother his people—the particular things which have not been lived up to according to the provisions of the treaty. I should also like to know what things the witness would no longer see in the treaty. From other Indians I understand there are certain clauses which they do not like.

Mr. BLUEHORN (*Interpretation*): At the time the treaty was made the chiefs were given wagons and horses with which to travel around the reserves and see how their people were progressing. Also, a house was given to each chief, but it was not a welfare house. At any rate, that is one of the main things we want—some method of transportation for the chiefs to enable them to travel from place to place.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions on number one?

Mr. HOWARD: Perhaps this question was answered in a reply given to Mr. Baldwin earlier, but would your association, or the tribes covered by the treaty, be willing to re-negotiate it with the government of Canada and see if changes could be made in it?

Mr. BLUEHORN (*Interpretation*): I could not deal with that here but I should like to have a written piece of paper from you, showing that you asked this question, so that our members back home can consider it. This is too heavy a thing to deal with here.

Mr. BALDWIN: To illustrate the point brought up by Mr. Howard earlier, I have now found reference to the \$1,000 in the treaty.

Mr. SMALL: That is treaty number six?

Mr. BALDWIN: Yes. It states:

During the next three years—

That was, after the treaty had been signed:

—there shall be granted to the Indians included under the chiefs adhering to the treaty at Carlton, each spring, the sum of one thousand dollars.

According to what is written here, that could only apply for those three years. Do you now say that should be continued?

Mr. BLUEHORN (*Interpretation*): It should be continued.

Mr. BALDWIN: That is what I have been trying to find out, but the treaty only provides it for three years.

Mr. SMALL: What date is that?

Mr. FANE: 1879.

Mr. SMALL: What page?

Mr. BALDWIN: Page four.

Mr. BLUEHORN (*Interpretation*): I guess the members of the Queen Victoria protective association misunderstood the treaty book.

Mr. BALDWIN: May I just follow that up with one more question? Through the department, the Indians receive certain welfare payments, whether they like them or not, and I have no doubt that for all the Indians who were included in this treaty these payments probably come to far more than \$1,000 per year. This illustrates the point Mr. Howard brought up and it would be a reason for you to sit down and consider possible changes in these treaties, re-negotiate them with the government because, apparently, you are getting more under this particular section than the treaty says you should. I just mention this so that you will have it in mind when you are talking it over.

The JOINT CHAIRMAN (*Mr. Grenier*): Recommendation number two has been answered.

Mr. SMALL: No, it has not.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any more questions on numbers one and two? Then, we shall proceed to number three, integration.

Mr. HOWARD: Mr. Chairman, I wonder if this paragraph means that Indian children should not attend so-called white schools, or should attend them.

Mr. BLUEHORN (*Interpretation*): The thing which we really do not like is the bussing of our children into towns and white communities.

Mr. HOWARD: To use a bus?

Mr. BLUEHORN (*Interpretation*): To use a bus to take them into towns when already we have schools on our reserves. In another paragraph we have made reference to wanting a boarding school.

Mr. SMALL: But that is not in the treaty?

Mr. BLUEHORN (*Interpretation*): No, it is not in the treaty but it is something the association is seeking from the government.

Mr. FANE: Do you have a boarding school on the reserve already?

Mr. BLUEHORN (*Interpretation*): No, a day school.

Mr. FANE: Who runs the day school?

Mr. BLUEHORN (*Interpretation*): The white people.

Mr. FANE: Who runs the day schools?

Mr. BLUEHORN (*Interpretation*): White people.

Mr. FANE: Are they church schools or are they schools run by the Indian affairs branch?

Mr. BLUEHORN (*Interpretation*): I guess they are being paid for by the Indian affairs department.

Mr. FANE: Is there adequate accommodation for the children in those schools? Would there be over-crowding if they were not taken to the centralized schools by bus?

Mr. BLUEHORN (*Interpretation*): The day schools are not overcrowded yet. It is just the high school students. That is one of the main reasons why they wanted this new boarding school—for the high school children.

Mr. FANE: The high school students are being taken out by bus to a centralized provincial white school now, are they?

Mr. BLUEHORN (*Interpretation*): Not from our neighbouring reserves or our reserve. There is a boarding school at Lebret.

Mr. SMALL: I wonder if the witness would explain No. 4 a little more. What do you mean by "less fortunate Indian children"?

Mr. BLUEHORN (*Interpretation*): What is meant there is there is a need of a boarding school for the children who have no parents and children whose parents do not have any way of taking them into the day school. Some of them live too far from the school and have no transportation to go to the day school.

Mr. SMALL: How large is the reservation you are speaking about?

Mr. BLUEHORN (*Interpretation*): Eight by seven miles.

Mr. SMALL: I do not know that it would be too much to ask them to walk to school. When I was a boy I walked farther than that.

Mr. GUNDLOCK: Would it be in order to ask the departmental officials what are the actual educational facilities on that reserve and how they are being provided?

The JOINT CHAIRMAN (*Mr. Grenier*): I believe the department officials will be heard later on. I think it would be improper to call them at this point when the witness is speaking. Your point can be cleared up when the officials are on the stand.

Are there any questions on paragraph No. 5?

Mr. FANE: I would like to ask the witness what he means by "reasons for removal of farming instructors from Indian reserves". Have the farming instructors been removed, or do you want them removed? What are you trying to say here?

Mr. BLUEHORN (*Interpretation*): Farming instructors have been moved from the reserve already. We want to know why these farm instructors were moved when, after all, the Queen has set these instructors on the reserves to help the Indians in farming. The building is there now, there is power and a telephone, and they were just nicely being settled in. Now they have moved away, and the Indian has learned nothing from them.

Mr. FANE: There are no farming instructors. They have been taken away from you?

Mr. BLUEHORN (*Interpretation*): They moved into Battleford.

Mr. FANE: They just are not living on the reserve.

Mr. BLUEHORN (*Interpretation*): No.

Mr. FANE: They are available at Battleford?

Mr. BLUEHORN (*Interpretation*): Yes.

Mr. FANE: How far away is that?

Mr. BLUEHORN (*Interpretation*): Fifty-five miles.

Mr. FANE: Mr. Chairman, may I ask Colonel Jones what is the score on that?

The JOINT CHAIRMAN (*Mr. Grenier*): At the last meeting some of the Indian witnesses who were here, after the meeting, objected to the calling of other witnesses while they were on the stand. I do not think it is a proper way of proceeding in any event.

Mr. FANE: Personally I do not see why it is not, because otherwise how can we get the two sets of information tied in together, if we do not have the answer at the same time.

The JOINT CHAIRMAN (*Mr. Grenier*): First of all, personally as a lawyer, I do not think it is the regular way to proceed when a witness is on the stand, to call another witness. These questions can be asked when the officials take the stand after the Indians have been heard.

Mr. FANE: I am only a realist and not a lawyer.

The JOINT CHAIRMAN (*Mr. Grenier*): The last witnesses very strenuously objected, and I think they were right.

Mr. FANE: I will go along with it.

Mr. SMALL: Let us get this clear. They said they do not like other witnesses being heard when they are giving evidence. On the other hand, however, if they leave and do not hear the answer then they might say we have been unfair to them by not letting them hear what is said. It could work both ways. They claim they are at a disadvantage because we ask questions to which they cannot give a satisfactory answer, and likewise if we talk about it after they have gone they could say they never had an opportunity to explain.

The JOINT CHAIRMAN (*Mr. Grenier*): If the witnesses do not object I have no objection. Do you have any objection to an official from the department giving some explanation to the committee right now while you are here?

Mr. BLUEHORN (*Interpretation*): Do you mean on the past questions?

The JOINT CHAIRMAN (*Mr. Grenier*): This question in respect of the removal of the farm instructors. Do you have any objection if we ask an official to give an explanation to the committee while you are on the stand?

Mr. McQUILLAN: Might I suggest that we allow the witnesses to complete their briefs, and then call upon the officials of the Indian Affairs branch while they are here?

The JOINT CHAIRMAN (*Mr. Grenier*): All right. Is that satisfactory?
Agreed.

Is there anything on number six?

Mr. HOWARD: I assume that this refers to private band council meetings, and that it refers to the elected system of band councils as opposed to the hereditary chieftainship system?

Mr. BLUEHORN (*Interpretation*): What we really want is this: we do not like the chiefs and council to decide for the reserve just by themselves. We want the members of the reserve to speak for themselves and to voice out their own problems within the reserve, if they have any, and then to let the chief sign for such things, as sub-holdings, and things like that.

Mr. BALDWIN: You mean, in public meetings?

Mr. CHATSIS: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Number seven?

Mr. BALDWIN: Do you mean by this that you do not want to be put in the position where you have to pay any money to the provincial government which would cover your right to receive hospitalization?

Mr. BLUEHORN (*Interpretation*): We are not paying for the hospitalization cards right now, but we may start to pay for them later. What we wanted to use was just our treaty cards, when we went to any hospital in Canada and not to have hospitalization cards at all.

Mr. BALDWIN: You are relying on a sentence in the treaty which says that a medicine chest shall be kept at the house of each Indian agent for the use and benefit of Indians at the direction of the agent? You say that this gives you the right to free hospital care without having to pay anything. That is the argument you make, is it not?

Mr. CHATSIS: Yes, that is right.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any more questions on number eight?

Mr. GUNDLOCK: I would like to have number eight explained a little more fully. I do not understand it exactly. They say they want the privileges as promised. Have certain territories they formerly used been taken away? Just what is the point here?

Mr. BLUEHORN (*Interpretation*): We were looking back in history to the time when Indians were allowed to hunt any place, and we wondered if they could be given some land like that again, and to hunt in different places which are still wide open. We cannot sell our furs to anybody that we choose. We feel that we should at least have the right to sell our furs to the party to whom we would like to sell them, and just not alone to the Saskatchewan government.

Mr. GUNDLOCK: It is only possible for you to sell your furs to the Saskatchewan government at the present time?

Mr. BLUEHORN (*Interpretation*): Some of the officials here would know who is buying the furs right now.

Mr. GUNDLOCK: We are not to ask questions of the officials at this time, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Grenier*): No.

Mr. GUNDLOCK: The witness just said that they can only sell their furs to the Saskatchewan government at the moment. I have one more question: are there additional hunting and fishing lands adjacent to, or near your reserve, or handy to you, on which you would like to hunt or fish?

Mr. BLUEHORN (*Interpretation*): We do not know of any lands right close by the reserve where we could hunt. But there are other places which are wide open, further north, where the Indians are asking if they could have the right to hunt.

Mr. BALDWIN: This is going back to the first point brought out. Do you feel that the treaty gives you rights by which you should be entitled to go outside the reserve to hunt, fish, and trap?

Mr. BLUEHORN (*Interpretation*): I have not studied the treaty book sufficiently to answer that question. But at that time I do not think the Indians were worried as much as we are today, because there were very few white settlers there, and the Indians were quite free, and were not disturbed in wherever they wanted to fish.

Mr. BALDWIN: The treaty says that they are entitled to go outside the reserve except where the government says the land is required for other purposes, or where the land is given to other people. That is the point. They will have to think it over.

Mr. BLUEHORN (*Interpretation*): There is one question we would like to ask: why do we have to pay for these permits to hunt and trap?

Mr. BALDWIN: Do you mean outside the reserve, or on the reserve?

Mr. CHATSIS: Outside the reserve.

Mr. BALDWIN: As I understand it, the federal government gave this land to the provincial government, and the provincial government is making a charge for it. You should take the matter up with the provincial government.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on number nine? If not, are those all the remarks you wish to make, Mr. Bluehorn?

Mr. BLUEHORN (*Interpretation*): We would like to get some explanations to our questions which we could take back home to give to our people there.

Mr. BALDWIN: They will be receiving a copy of the transcript of the proceedings, will they not?

The JOINT CHAIRMAN (*Mr. Grenier*): Oh yes, I understand later on that all these questions will be answered by the officials of the department, and you will receive a transcript of the evidence.

Mr. HOWARD: There are two points I want to make; I understood the witnesses had in mind receiving answers from this committee as to opinions about points they raised. It should be explained to them that this is something that would complete all our hearings and could not occur today. I wonder, therefore, if perhaps it could also be explained to the gentlemen that this committee itself cannot at this time make any specific recommendations or give any answers to them. We must wait until all of the other people appear before the committee and then attempt to assess all the matters that have been raised.

Mr. SMALL: Also, Mr. Chairman, before they go back we should explain to them about the treaty rights that have been discarded or abandoned. They should be more specifically spelled out, which ones they have grievances against, so we could look it up and give them an explanation. The way it is left we have to look the book up and find out which ones may have been deprived.

Mr. CHATSIS: We were not prepared. Most of our members were out hunting and we could not locate them any place. The brief we prepared and the questions we had on the treaty book were all taken along with the hunters. We only had three days' notice to come up here and we did not have a brief, we just wrote those points down. If we had notice six or eight weeks in advance, then we could bring here a lot more points.

Mr. THOMAS: Mr. Chairman, in connection with that point a question arises in my mind: does this delegation from this association get the information that they desire? They came here, I take it, to discuss their requirements, their dissatisfactions which have been expressed to them by their band members, and they come here expecting to have some justification for the decisions, which the department has taken from time to time, placed before them. They have expressed the desire that we give them some answers today. I am not suggesting that the committee's findings could or should be made available—that is impossible—but, listening to the proceedings this morning, I feel they have not got much to take back with them, and I think those answers can only come from the departmental officials. We are not in a position here to do so. We can ask them questions about the brief and try and draw out from them the information we require, but the justification for the actions taken by the department cannot be given by us, and only the departmental officials

can give that information. I wonder if, following this method of procedure, we are providing these delegations with the greatest possible amount of information, or if, as was suggested once or twice, the departmental officials should not be called upon to state their side of these cases. For instance, this matter of hunting and fishing permits; I do not know too much about it in the province of Saskatchewan but I do know that in the province of Manitoba and in some other provinces, when an Indian or any other citizen buys a permit he gets with that permit certain privileges, he gets a hunting permit covering a certain territory. Maybe that should be explained to these people, and maybe that is the information they want, I do not know. But concerning the educational facilities I feel that, possibly, if the departmental officials could be called upon, when each of these questions come up, to make a brief explanation, it might not only help satisfy the delegation members but it will certainly help to clear things up for the members of this committee as well. I am speaking here for myself.

Mr. BALDWIN: I thought it was understood that we would not interrupt the witness, but after the witness has finished we can ask the departmental officials about any of these matters which come up so that the answers will be written in the transcript, and when they go home they will not only have heard it but they will have had a chance to take back in writing the answers that the officials gave. Was that the understanding?

The JOINT CHAIRMAN (*Mr. Grenier*): We agreed to call upon the officials after the evidence of the witnesses was heard.

We thank you, Mr. Bluehorn.

Mr. HOWARD: Does this give us the right to recall the witnesses?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes. We will now call on Colonel Jones. There was one question on No. 5, the reason for the removal of farming instructors from the Indian reserves.

Mr. BALDWIN: Mr. Fane had asked a question about what school facilities there were.

Mr. H. M. JONES (*Director, Indian Affairs Branch, Department of Citizenship and Immigration*): I can only answer these questions in a general way. I was aware of your ruling and I did not come armed with a lot of statistics pertaining to the three briefs you are hearing today, but I will answer in a general way to the best of my ability.

I would say that, in general, the number of assistant agents are on the increase rather than the decrease. We have four in the Battleford agency, but we do switch them around where we think they could do a better job. There might have been one living on a certain reserve in the past, so that when we constantly survey the needs we may ask him to take on an adjoining reserve. He may then make his headquarters somewhere else. There has been a shifting around of farming instructors in what we consider is the best interests of the Indian. I do not know of any decrease in the number; I would say in general there was an increase.

Mr. FANE: Colonel Jones, are they available to these people whenever they want? Do they have to go to Battleford to get them, or is there an agent on the reserve, an assistant agent?

Mr. JONES: Where an assistant agent would be responsible for two reserves, it generally works out for so many days a week.

Mr. FANE: He goes there on those days or does he have to be sought out?

Mr. JONES: There is a regular system worked out. He would devote so much time to one reserve and so much time to other reserves.

Mr. BALDWIN: Would the Indian know that on certain days the instructor would be available on the reserve?

Mr. JONES: They would, yes.

Miss LAMARSH: Is it ever necessary for the Indians to communicate with the instructor across 50 miles?

Mr. JONES: There should not be too much of that.

Miss LAMARSH: During the part of the week that the agent is supposed to be in the town to which the witnesses come, is he actually living on the reserve and available to the people?

Mr. JONES: He would have his residency in the town where the agency office is or on one of the reserves.

Miss LAMARSH: In this particular reserve the witness says that the agents are not there and the farming instructors are not there, they are 50 miles away in Battleford. If this farming instructor has two or three days on this particular reserve, does he live on the reserve at this particular time?

Mr. JONES: He would be constantly on the reserve; he would be on the reserve perhaps two days of the week and stay overnight, and then go on to the other reserve. Our headquarters of the whole administration would be the agency office which is always available for the problems of the Indians. Sometimes we feel that one good farm instructor could look after two reserves by periodic visits and allocation of his time.

Mr. HOWARD: Col. Jones may not have the statistical information here, but could he tell us how many reserves there are, and how many instructors there are for the area that the gentleman is talking about?

Mr. JONES: I cannot say offhand.

Mr. SMALL: Could you give the information in regard to this particular Queen Victoria case? How many farmers would be in the category that would be taking farm instruction?

Mr. JONES: No, I could not give that information today.

Mr. FANE: Perhaps Mr. Cadieu could tell us some of this, because they are right in his area.

Mr. CADIEU: This is in Mr. Horner's area, but there is this comment on Mr. Jones' remarks. We have a lot of reserves. It is very close to where these people live. It is in my constituency. Some of them do not require a farm instructor at all. They are not farming, so the agent makes periodic calls on them. He has his days set as to what days he is on certain reserves. In some reserves very close to this country they do not require a farming instructor, as they are not doing any farm operations.

Mr. WRATTEN: How many take advantage of the farm instructors?

Mr. JONES: That is hard to say. There is a trend, now, back to cattle raising which we think is a pretty healthy trend, particularly in the reserves in Mr. Cadieu's region. That upward trend towards mixed farming will prove very helpful to the Indians. Naturally there are not as many interested in farming as we would like.

Mr. CADIEU: I might mention—while I have not had this from very many reserves—nevertheless I have had it, that some of the bands do not want an instructor living on the reserves and thought they were getting to the stage where they should have more freedom to use their own opinions. This is not from too many of them, but nevertheless it is so; and Mr. Jones has had this reported also, where they do not feel they should have a farm instructor looking down their necks and telling them how everything should be done. It may not be the case with very many reserves, but nevertheless the request had been made.

The JOINT CHAIRMAN (*Mr. Grenier*): Is the committee satisfied with this explanation on farming instructors?

Miss LAMARSH: Why are these people given only three days notice?

The JOINT CHAIRMAN (*Mr. Grenier*): I do not know.

Mr. FANE: They must have had more than that because I have had this brief pretty close to a week.

The JOINT CHAIRMAN (*Mr. Grenier*): I understand that the staff has tried to reach those people and they were out hunting. The staff has been trying for a month.

Mr. MARTEL: This committee has been sitting for three years.

Mr. BALDWIN: I understood that you had all the groups surveyed and the names of these particular groups were on this. I may be wrong, but my recollection is that the names of this group were on the list of those who want to appear before us in this year's sittings of the committee. At the first meeting we had the names of those groups as people who wanted to appear and give evidence, so while they may have had only three days' notice of the date on which they were going to appear, they must have had information for many months before that that they were to appear here and make a statement. Is that not correct?

The JOINT CHAIRMAN (*Mr. Grenier*): That is right.

Mr. SMALL: I think this committee has been wide open for three years and that they all have had knowledge of it. Some of them have appeared two and three times before this committee and they know of its existence. The reason for the rush is hard to explain. There must be some explanation for it if only three days' notice was given. They have had two years to gather information.

The CHAIRMAN: The clerk of the committee tells me they knew that that they would appear, but if they were only advised three days before, it was because their President was away hunting and could not be reached. They knew before that they would appear before the committee. Of course we cannot tell them weeks beforehand on what date they will be heard. They were told three weeks.

They were trying to locate the president of the band.

Mr. Bluehorn is the vice-president, and the staff always tries to reach the chief or the president of the organization, and when they could not reach the president they tried to reach the vice-president. This is the reason.

Mr. BALDWIN: There is a letter accompanying the brief. It is dated April 14 and is signed by the president. That indicates more than three days' notice.

The JOINT CHAIRMAN (*Mr. Grenier*): That is correct.

Mr. SMALL: Could Colonel Jones give some explanation of No. 2—financial assistance for Indian religious ceremonies?

Mr. JONES: I am afraid I could not follow the witnesses when they were asked for an explanation. It is rather new to me. In fact, I am a little puzzled about just what it involves. The Branch does not contribute in any way to religious ceremonies. I am afraid I missed the witnesses' answers to some of the questions, so I cannot help very much.

Mr. SMALL: Would you mind explaining the liquor and voting rights? I would like to see how it fits in with our own.

Mr. JONES: The Indians of Saskatchewan, under the provisions of the Indian Act are entitled to all liquor privileges. That was done at the request of the Saskatchewan government, and they now have the right to possess liquor off reserves, as is the case where any other provinces have requested this right from the federal authorities. Referendums are being held on various

reserves in Saskatchewan for the right to have and consume liquor on reserves. Each referendum for each band is decided on its own merits. Provided a majority of the people voting at the referendum indicate their wishes in an affirmative way, the necessary authority is given and the band and the provincial authority are notified that these bands of Indians are now entitled to have and drink liquor on the reserves. This is similar to Ontario.

As regards voting rights, federally from now on the Indians of Saskatchewan and right across the country will be entitled to vote at any federal election without any restrictions whatsoever, with no strings attached and no reference to the treaties. They will have the same right to vote in the next federal election as any other person with, as I said before, no strings attached.

I believe that they have the provincial vote extended to them by the province of Saskatchewan and that would be under the same conditions as citizens of the province.

Mr. BLUEHORN (*Interpretation*): I want to get a written statement by Mr. Jones of what he has just said, to take home. In regard to the liquor, the Indians felt, in Saskatchewan, that they do not want this liquor and it has been forced on them. They would like to work on it further. They would like this in writing.

Mr. SMALL: That is the reason why we want these people here.

Mr. MCQUILLAN: How many Indian bands in Saskatchewan voted in favour of having liquor privileges on the reserves?

Mr. CHATSIS: It has not been voted right. These meetings in Saskatchewan covered a lot of people. The Saskatchewan government paid transportation for the Indian chiefs and got them to the valley centre at Fort Qu'Appelle. They mentioned a few words about liquor and that is all. When there was mention of a few things, as to how many wanted all the treaty rights, these people raised their hands to that and then they were automatically in for the liquor as well. I myself do not think that it is right that it should be that way.

Mr. MCQUILLAN: Perhaps Mr. Jones will explain that it has no connection with the federal matter of determining as to whether the Indians shall have liquor on the reserves.

Mr. JONES: That is quite correct. The meeting, I think, was arranged by the provincial government. Whether Indians have rights on their own reserves in Saskatchewan to have and consume liquor, is entirely in their own hands, through the secret ballot. It is at the request of the Indians themselves.

Mr. SMALL: You mean that each reserve as an entity can determine that?

Mr. JONES: That is correct.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other points the committee would like Mr. Jones to clear up?

Miss LAMARSH: May I ask one question? Is it usual in all the provinces that where Indians wish to hunt they are required to have a licence, to take out a permit and pay for it?

Mr. JONES: In most provinces, yes, because the provinces have the control and the permit covers the registered trapping area.

Miss LAMARSH: They still have to pay for it?

Mr. JONES: Yes.

Miss LAMARSH: There is no provision that the Indian affairs branch pay or reimburses them?

Mr. JONES: In one case, that is, Alberta. This goes back many years, and I do not think I can give you the real explanation. Rather than argue it, we are paying it in Alberta for the Indians—that is, the registration.

Mr. CHARLTON: That is just off reserve lands?

Mr. JONES: That is right, because the provinces control it.

Mr. McQUILLAN: That only applies to trap lines.

Mr. JONES: And trapping permits, but not hunting and fishing. They have all their own and, as far as I know, as regards hunting and fishing for food, crown lands are lands to which ordinarily they have the right of access.

Miss LAMARSH: What lands would the Indian have a right of access to, excepting reserve and crown lands?

Mr. JONES: Federal crown lands, provincial crown lands, that would be mainly it. Sometimes they have not had the ordinary right of access to certain crown lands. They are declared conservation areas and then, of course, that right is restricted from that area.

Miss LAMARSH: How do you ascertain whether someone is hunting or fishing for food or for commercial purposes, since he could conceivably be hunting or fishing for the whole band?

Mr. JONES: In regard to food, that is meat, there is not too great a problem. In fishing there is a clear distinction between fishing for food for the family or group and between selling it to commercial interests. We have a lot of Indians engaged in commercial fishing and we take the stand that they are in the same category as any other fishermen. They have paid for the licences and they live up to the same rules.

There is a clear distinction in the case of fishing. It is not too much of a problem in the case of hunting. They share, if they get a moose, with friends of the family. There is really no widespread sale of meat of animals.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you very much Mr. Jones. We still have two other briefs and two other witnesses to hear.

We still meet this afternoon at 3.30 p.m. Thank you very much, gentlemen.

AFTERNOON SESSION

WEDNESDAY, April 26, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Gentlemen, we now have a quorum. Before calling the next witness, I would like to make a statement about something that was said this morning concerning the notices given to the witnesses to appear before the committee.

It was stated this morning by Mr. Chatsis speaking on behalf of Mr. Bluehorn, that they only had three days notice to prepare their brief.

On October the 31st, 1960 and again on January the 9th, 1961, the secretary of the committee wrote Mr. Charlie Jack, president of the Queen Victoria Treaty Protective Association advising that their request for a hearing would be submitted to the committee as soon as it was reconstituted.

On Tuesday, March 7th, the steering committee agreed that field representatives of the Indian affairs branch would consult various Saskatchewan Indian groups to select their representatives to appear before the committee with a view to having one delegation appearing on the same day.

On March 10th, 1961 the Indian affairs branch in Ottawa wrote their representative in Saskatoon in connection with this matter.

On April 12th, 1961 the Indian affairs field representative from Saskatoon called the secretary of the committee advising that he was unable to contact Mr. Charlie Jack, president, as he was on his trapping line in northwestern Saskatchewan. However, he discussed the matter with Mr. Solomon Bluehorn,

the vice-president, who advised that he would try to locate Mr. Jack and also advised that either Mr. Jack or Mr. Bluehorn would appear in Ottawa on April the 26th.

On April 14, 1961 Mr. Jack, the president, forwarded his brief with a covering letter.

I just wanted to make this statement in order to have the record verified. Now, I would like to call on the next witness, Mr. Thunderchild, who represents the Thunderchild Band. This witness would like to have his brief taken as read, and printed in our record. Is that agreeable?

I understand the brief is composed of a certain number of resolutions, and we might proceed, starting with number one, which concerns hunting, fishing, and trapping.

The JOINT CHAIRMAN (*Senator Gladstone*): Mr. Chairman, if the committee feels that I should help Mr. Thunderchild by reading his brief for him, I am prepared to do so, if it is your request. Otherwise, the members might read it for themselves.

The JOINT CHAIRMAN (*Mr. Grenier*): Perhaps you had better read it, Senator.

The JOINT CHAIRMAN (*Senator Gladstone*): I will read the brief on behalf of my friend Mr. Thunderchild.

A meeting is held this day at the Thunderchild reservation No. 115B Wednesday April 19, 1961.

The following is a brief drawn up by the Thunderchild band to be presented to the joint committee of the Senate and the House of Commons.

Mr. Edgerton Thunderchild, official delegate, Thunderchild band.

Resolution No. 1—Hunting, fishing, trapping. Whereas Indians have been paying for fishing and trapping licences under the provincial government. Be it therefore resolved that the Indian be not liable to any provincial law in this respect—to hunt, fish and trap within any lands covered by our treaties.

Resolution No. 2—Welfare housing. Whereas this reservation is not in a position to expend capital funds. Be it therefore resolved that the welfare department be requested to build more houses for this reservation.

Resolution No. 3—Road construction and maintenance. Whereas they are no good market roads and high cost of same. Be it therefore resolved that the Indian affairs be asked to enter in arrangement with provincial government for construction of good market roads on the Thunderchild reservation.

Resolution No. 4—High school on Thunderchild reservation. Whereas we have children going to high schools in various parts of Saskatchewan. Be it therefore resolved the Indian affairs construct a high school on the Thunderchild reservation.

Resolution No. 5—Assistant agent. Whereas we have no resident assistant agent. Be it therefore resolved that an assistant agent have an office full time on the Thunderchild reservation.

Resolution No. 6—Band funds. Whereas when budgets are drawn up and approved for expenditures on public works on reservations. Be it therefore resolved that these monies budgeted be held in trust at superintendent office, Battleford.

Resolution No. 7—Extension of hospital, Turtleford. Whereas the hospital at Turtleford is not adequate. Be it therefore resolved the Indian and northern health be requested to extend this hospital, and more beds, and that a Indian speaking registered nurse be on staff.

Resolution No. 8—Band councils. Whereas band councils have no say, on tenders of all work, and teachers qualification to teach on reservation. Be it therefore resolved that band council give final approval of same.

Resolution No. 9—Social aid. Relief assistance. Whereas that relief assistance are issued by assistant agent by kind, sometimes not knowing needs. Be it therefore resolved that cheques be made direct to families, also that any member of band 55 years old be assisted by relief.

Resolution No. 10—Indian representation. Whereas it is desirable that co-operation on all future matters affecting Indians be exercised between federal and provincial governments. Be it therefore resolved that ample time of notification be given in presenting their briefs.

Resolution No. 11—Timber reserves. Whereas the Thunderchild timber reserve is too far from our home reserve. Be it resolved that the said timber reserve be exchanged for one closer.

Resolution No. 12—Sawmill. Whereas employment is only seasonal we feel that a sawmill would create employment. Be it resolved that we purchase a sawmill for the benefit of this reservation such as in producing lumber for the making bridge timbers, culverts, etc.

Resolution No. 13—Canvas and gill nets. Whereas in our treaties we were promised canvas, gill nets, ammunition, and blankets. Be it therefore resolved that these be made available to the Thunderchild reservation, as mentioned in our said treaties.

The list of resolutions above has been presented at our meeting of the Thunderchild band, which was very active and co-operative in every way to the support of this brief.

Wishing for a reply as early as possible. Thank you.

(Chief) *Andrew Paddy*

There is an addition here which I should read.

More work for young Indian boys and girls should be provided by the Indian affairs department. Living conditions on the reserve should be improved. Students should be able to attend vocational training schools, and after leaving these schools they should be placed where they can make use of the education they have received in these vocational schools. Perhaps, in connection with farming, Mr. Thunderchild could speak to you on that.

MR. THUNDERCHILD: Well, it concerns the question of how to get Indians to start farming, and all that sort of thing, as well as the trouble experienced by Indians when they are farming. I would like to explain that in more detail later on.

THE JOINT CHAIRMAN (*Senator Gladstone*): In conversation with my friend here last night—and I may say that I was with him until 12 o'clock—I said that the Indian affairs department now has recognized that inasmuch as the transition from horsepower to—

MR. GUNDLOCK: Mechanized farming.

THE JOINT CHAIRMAN (*Senator Gladstone*):—mechanized farming has taken place and the Indian cannot compete or make a living through using horsepower, the old way of farming. It is their feeling that ways and means should be found to attack this problem in order to make the reservation self-sufficient for those who are dedicated to farming.

In looking at the program set forth by the Indian affairs department—and this is something I am adding myself—I notice that whether it be cattle, sheep or pig-raising, they feel it would be more to the economic advantage of Indian reservations if they were instructed and taught to enter those

industries rather than the farming industry, which, as you all know—and I realize it myself, being a farmer for so long and having to change from horsepower to mechanized farming—is very costly and entails a great deal of money. On the other hand, if they went into the stock industry it would be more in line with their native inclinations. It is my feeling that they would co-operate and make a success of it, thereby being self-sufficient.

Miss LAMARSH: I am not accustomed to the practice followed in our committees, especially in joint committees. Is the co-chairman now acting as a witness?

The JOINT CHAIRMAN (*Mr. Grenier*): Senator Gladstone was talking mostly on behalf of Mr. Thunderchild.

Miss LAMARSH: Will he be in a position to be examined?

The JOINT CHAIRMAN (*Mr. Grenier*): The question should be directed to Mr. Thunderchild. Mr. Thunderchild's eyesight is not very good, which is why Senator Gladstone was reading the brief.

Mr. Thunderchild is now ready to answer any questions which members of the committee may wish to put to him.

We will start with resolution No. 1—hunting, fishing and trapping.

Miss LAMARSH: This is the same question we investigated this morning, when we questioned the granting of paying for fishing, trapping and hunting licences. I take it that on this reserve the same conditions apply, and that for fishing, hunting and trapping on reserve lands there is no licence, and for fishing, hunting and trapping on crown lands for food it is not necessary to have a licence, although there is, if you go into it in a commercial way, or if you want to fish anywhere else.

Mr. THUNDERCHILD: We have a lake available for fishing. Certain people are making a living on domestic fishing. We have a fishing co-operative, and fish in the summertime and spring. However, there are only four Indians in commercial fishing, and the rest cannot get in. There is a waiting list. However, if the one fisherman dies, another one takes his place. We would be pleased if we could get more Indians into commercial fishing. It is part of their living.

In connection with domestic fishing, they allow us to bring only 100 pounds home per month. We live about 25 to 30 miles away from Turtle lake; this is where we do our domestic fishing. We do not quite agree with the 100 pound allotment, as this has to be carried 25 or 30 miles. We would like that to be increased to help us through the winter.

Miss LAMARSH: It is for your own use, for food?

Mr. THUNDERCHILD: Yes.

Miss LAMARSH: Who sets the limit of 100 pounds, the provincial or federal authorities?

Mr. THUNDERCHILD: The provincial authorities.

The JOINT CHAIRMAN (*Senator Gladstone*): It is all for your own food?

Mr. THUNDERCHILD: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Have you a question, Mr. Baldwin.

Mr. BALDWIN: Mr. Chairman, I would like to bring up the same point as I did this morning, particularly with regard to the province of Saskatchewan. I observe that they have suggested that they should participate with the federal government in looking after the Indians who are now under sole federal jurisdiction. This is a resolution which I observed the provincial legislature passed. With that in mind, do you not think it would

be advisable to take up with the provincial government in Saskatchewan, the matter of allowing you to hunt, fish and trap without having to pay licence fees?

Miss LAMARSH: Is not one of the purposes of the Indian affairs department to intercede with other levels of government on behalf of the Indian?

Mr. BALDWIN: That may be so. However, the provincial government has indicated it has a personal interest in it, and I was asking the witness if they have ever, as individuals or as a band, gone or considered going to the provincial government, who have direct jurisdiction over this?

Mr. THUNDERCHILD: We have been asking for a long time now, and never got it.

Mr. BALDWIN: You asked the provincial government?

Mr. THUNDERCHILD: Yes.

Mr. GUNDLOCK: The same complaints seem to be throughout this brief. However, it brings to my mind this question: Has the federal government relinquished areas particularly for hunting and fishing, to the provinces? I understand that under certain treaties there was supposed to be certain areas available to the Indians, but that subsequently, after the treaty agreements the federal government apparently has released land to provincial jurisdiction which actually belonged to the Indians under the treaty. Is that a fact?

The JOINT CHAIRMAN (*Mr. Grenier*): Perhaps Senator Gladstone could explain it.

The JOINT CHAIRMAN (*Senator Galdstone*): I would answer your question in this way: It is a very alarming situation, and very unfortunate. I have been studying this matter for the last thirty years and, in so far as Ontario is concerned, they consider themselves as allies. They have certain rights which were given to them by a grant directed by the King of England, or, in the case of Quebec, by the King of France. They resent this. They feel they have nothing to do with the Indian Act and should not be governed by it. They were allies; that's it. If you would look at a map, you would notice that they are not in the treaty zones. That concerns a great part of Ontario—mostly the southern part of the two transcontinental railways, right to the St. Lawrence river, all of Quebec and three-quarters of British Columbia. These are not included in the treaty zones, which are giving \$5 tokens, \$4, or \$3—whatever it is—at the time of treaty. These areas I have mentioned never did have that kind of treaty. They considered themselves as allies.

The people of British Columbia who are not under that treaty zone also considered themselves as allies of the Hudson's Bay Company, or the fur companies which, first of all, settled in those territories. So, there is that difference but, as far as the treaties are concerned, I am very well acquainted with everything that went on. It is all in writing. The covenant was made between the representatives of the Queen and the representatives of the Indians and, according to the wording of the treaties, the Indians were to be cared for.

Up to the end of the 19th century there were obligations, under treaty, to the Indians on my reserve, I am not saying anything about other reserves but am only telling you of an incident on my reserve. The Indians there were given two head of cattle per family and when the Indians began to feel there was something good in cattle they began to trade in their cayuses and ponies for cattle and, by the time I started to feel like looking around for myself, some of the Indians had 300 or 400 head of cattle.

Miss LAMARSH: I do not wish to be disrespectful or anything like that, but the witness who is here has come a considerable distance, and there are other witnesses still to be heard. Our time is getting very short and, though Senator Gladstone has a great deal of experience which will be most useful to the committee, I suggest that the witnesses who have come long distances be heard. Then, if the co-chairman, Senator Gladstone, wishes to act as a witness we can hear him.

Mr. CADIEU: May I ask the witness to clarify one statement in his brief? I think the reserve of Thunderchild joins Turtle Lake, at least a portion of the lake, and therefore, the fishing is handled by the provincial government and the Indians are allowed so many pounds of fish. The rest of the lake is used by white people who enjoy its fishing. Because only portions of the reserve join the lake is that why the Indians feel they are not getting enough fishing rights on Turtle Lake?

Mr. THUNDERCHILD: That is right.

Mr. BALDWIN: The treaty lays down provisions for the Indians to have hunting and fishing rights not only on treaty lands but on lands surrounding them. However, since then, we know there has been a transfer of the natural resource in the province of Alberta to the provincial government and that might be the cause of some of the trouble. It is a very contentious and very important issue and one can understand why we cannot settle it here. I think we understand the issue and we may have a lot of questions when we come to discuss it later.

The JOINT CHAIRMAN (*Senator Gladstone*): May I say a few words on that subject? Can we recall any of these witnesses at the time when we come to discuss these matters? Could I deal with them now and perhaps that would prevent our requiring to call any other witnesses. You are here now as a committee—

The JOINT CHAIRMAN (*Mr. Grenier*): Maybe, after the witness has been heard, we can get Colonel Jones or someone from the department to clarify the matter.

The JOINT CHAIRMAN (*Senator Gladstone*): It is all very well to say that, my co-chairman, but the Indians' point of view and Colonel Jones' point of view may be different—miles apart.

The JOINT CHAIRMAN (*Mr. Grenier*): But my suggestion is that the witnesses will stay here while Colonel Jones is called upon to give explanations. After Colonel Jones has been heard on this point, and if the witnesses wish to say anything, then we will hear them.

Mr. GUNDLOCK: In regard to the question I put previously, could I have the witnesses' point of view on how the Indians feel about particular lands for hunting and fishing, being deleted from the original agreements or treaty? I mean, by way of transfer from the federal government to the provincial government.

Mr. THUNDERCHILD: No.

The JOINT CHAIRMAN (*Senator Gladstone*): Do you understand what he says?

Mr. THUNDERCHILD: Yes.

Mr. GUNDLOCK: Then you have the original area for hunting and fishing?

Mr. THUNDERCHILD: Yes, we have the fishing area, north 55. If you want me to illustrate the whole trapping and fishing area I shall do so. That is why I am here—to explain the trouble we have.

Senator MACDONALD: In the brief it is stated that the Indians have been paying for fishing and trapping licences to the provincial government and it goes on to say:

Be it therefore resolved that the Indian be not liable to any provincial law in this respect.

What is the cost of the licence?

Mr. THUNDERCHILD: Well, with regard to commercial fishing, it is \$5 that we pay for licences. The council thinks we should be able to get into commercial fishing.

Senator MACDONALD: But what I want to know is: what is the soak? What do you have to pay for a licence?

Mr. THUNDERCHILD: For outside, \$5 to get into commercial fishing.

The JOINT CHAIRMAN (*Senator Gladstone*): Is that for commercial fishing?

Mr. THUNDERCHILD: It is commercial fishing, and a dollar outside.

Senator MACDONALD: When you get a licence you pay one dollar and then you can fish and trap?

Mr. THUNDERCHILD: No, no. I shall have to explain it to you. We have commercial fishing and we pay \$5 to get into the co-op but we do not trap in the co-op at all. We have got a trapping block, A-55, and any Indian who does not pay his licence for two years is kicked off.

Senator MACDONALD: What are your total charges for a fishing licence and a trapping licence?

Mr. THUNDERCHILD: I would say about \$9 altogether.

Senator MACDONALD: That is the point I wanted to get.

The JOINT CHAIRMAN (*Mr. Grenier*): Is there any other question on resolution No. 1? Resolution No. 2, welfare housing. Are there any questions?

Senator MACDONALD: Mr. Chairman, I should like to ask Colonel Jones what he knows about resolution No. 2?

The JOINT CHAIRMAN (*Mr. Grenier*): Senator MacDonald, this morning we decided that we would call Colonel Jones after the witness has given his evidence, instead of calling him while the witness is on the stand.

Mr. CADIEU: How many houses have been built in the past three years on the Thunderchild reserve? Has the building of homes been increased on this reserve?

Mr. THUNDERCHILD: Yes, so far we have built six.

Mr. CADIEU: In the past three years?

Miss LAMARSH: How many are there altogether?

Mr. THUNDERCHILD: Do you mean houses on the reserve? I could not tell you exactly; roughly about sixty I would say.

Miss LAMARSH: How do the rest of the people live?

Mr. THUNDERCHILD: They live in old houses, mud houses, but we have been putting a claim for houses for many years now. I believe I gave Mr. Cadieu that list.

Miss LAMARSH: Are all the sixty houses built by the federal government?

Mr. THUNDERCHILD: The last six were built by the federal government.

Miss LAMARSH: Were all the other houses built from band funds? You say you are in no position to spend capital funds, do you mean this year or for the future?

Mr. THUNDERCHILD: They spend the money on the capital.

Mr. GUNDLOCK: I think that covers my question. I wanted to differentiate between welfare housing and ordinary housing. The sixty houses built in the last two years, does that apply to welfare housing, is that what the resolution is about?

Mr. THUNDERCHILD: We put in \$5,000 last year from our band funds.

Mr. GUNDLOCK: That would not concern welfare housing.

Mr. THUNDERCHILD: I do not know.

The JOINT CHAIRMAN (*Senator Gladstone*): Is that all paid from band funds?

Mr. THUNDERCHILD: Partly.

Mr. GUNDLOCK: Band fund construction would not be considered as welfare housing then. I am trying to separate the two.

Mr. THUNDERCHILD: We only put in \$5,000.

Mr. GUNDLOCK: If you built them yourselves or if welfare built them, I take it welfare would come maybe from the department?

The JOINT CHAIRMAN (*Mr. Grenier*): Maybe Colonel Jones could clarify that point afterwards.

Resolution No. 3—road construction and maintenance.

Miss LAMARSH: May I inquire whether the roads which the witness refers to are gravel roads or dirt roads?

Mr. CADIEU: They are pretty bad on this reserve.

Miss LAMARSH: Are such roads constructed by members of the band, provincial authorities or by federal authorities? Who built the roads you have now?

Mr. CADIEU: They have not got any.

Mr. THUNDERCHILD: We tried to build one road but it was worse.

The JOINT CHAIRMAN (*Senator Gladstone*): What was the reason for which they built these roads?

Mr. CADIEU: I would like to ask the witness one question. If the band had come up with one road they would like constructed, would the department cooperate with them?

Mr. THUNDERCHILD: Yes, because they made a gravel road.

Mr. CADIEU: Possibly if the band could agree, and I would like to ask you a question on this, could the band define also a market road from the reserve to the town? Do they think the department would cooperate and go along with the municipality?

Mr. THUNDERCHILD: I think so.

Miss LAMARSH: What form of transportation do you use on this particular reserve?

Mr. THUNDERCHILD: We use cars, trucks and horses.

Miss LAMARSH: What is the general standard of roads in the area on the reserve?

Mr. THUNDERCHILD: Pretty good.

Miss LAMARSH: Are they hard-surface roads?

Mr. THUNDERCHILD: Gravel roads.

Miss LAMARSH: In the whole province of Saskatchewan?

Mr. GUNDLOCK: In Ontario too.

Mr. CADIEU: I would like to ask the witness a question—if we could go on to the next point which connects with No. 3—on the point where he mentions a high school on the Thunderchild reservation. This is one resolution that

interests me, and I wonder if the witness could tell us if they had a passable road whether they would not rather have a school bus road to where these children would be integrated rather than a high school on the reservation. I would like to hear if the witness would care to make a statement on that on behalf of the band.

Mr. THUNDERCHILD: I believe it is a good idea to have a bus come into the reserve, but I have two school children who will be going to high school next year and we realize the bus would not come to the reserve to pick the children up.

Mr. CADIEU: You think the band would prefer integration of high school children rather than have the high school on the reservation? That is the point I would like to ask.

Mr. THUNDERCHILD: When I left what they told me was that some families had their boys in high schools in different places but they had some trouble with liquor so that those boys had to come back home and leave school without finishing. They thought it would be better to have a high school in Thunderchild.

Miss LAMARSH: Do your children go to integrated schools, boarding schools or the school on the reservation?

Mr. THUNDERCHILD: They go to day school on the reserve.

Miss LAMARSH: And the children now go to an integrated high school?

Mr. THUNDERCHILD: One went to the Battleford collegiate but they had trouble with him because in the boarding house some people had liquor, so the boy left school to come back to the reservation.

Miss LAMARSH: So there are no high school students going to integrated schools?

The JOINT CHAIRMAN (*Senator Gladstone*): Could I interject at this point? I have a little experience of this. The trouble seems to be that, if a student goes to a high school, unless he has capabilities or material encouragement from the time he leaves the high school to project him into something that would be useful to him, he becomes discouraged and goes back to the reserve.

In the past, the feeling of the student was that there were no opportunities for him. His feeling was that he would not be accepted. I see a smile coming on the face of somebody down at the end of the room. These students thought: "We will not be accepted, so we are going back to our reserve; we are going back there for safety's sake; we are not accepted and therefore we will go back."

What is the use of building these schools and going to all the expense of high school education of children when they do not have encouragement from the officials who should give them every opportunity to integrate? I am saying that straight from the shoulder.

Miss LAMARSH: What you are saying is that the curriculum is not something that the Indian student could use back on the reservation, or are you saying that the reason they do not go on is that, while what they learn may be of use to them, they are not able to get jobs through it off the reserve?

The JOINT CHAIRMAN (*Senator Gladstone*): It has got to be different. I sent my kids out and I paid for each of them.

Miss LAMARSH: Which of those I mentioned are you complaining about? Is it the curriculum or is it the public?

The JOINT CHAIRMAN (*Senator Gladstone*): You do not know the situation. You are new. I sent my kids off the reserve and I paid for them. One went to Toronto and another to New Zealand and to different places. I thought when

I was sending them that they would come back to my reserve and be of use to us there. When they came back we found that nothing taught to them was of use, and they stayed away from the reserve.

Miss LAMARSH: What you are saying is that the curriculum at the integrated schools is of no use to an Indian who returns to the reserve?

The JOINT CHAIRMAN (*Senator Gladstone*): Unless you give him the opportunity to use it when he leaves school.

Miss LAMARSH: On the reserve?

The JOINT CHAIRMAN (*Senator Gladstone*): Anywhere he goes.

Mr. THUNDERCHILD: We have a few cases of 8, 9, 10 and 11 grade boys running around on the reserve. They have not used the education at all. I wish to find jobs for those fellows instead of letting them run around on the reserve. I would say that some kind of work should be started so that they could make use of the education.

Miss LAMARSH: I am trying to find out what the witness from the reserve is complaining about. Is it the fact that the education they have received at an integrated high school is of no use to them in earning a living on the reserve, and therefore it is the curriculum they are complaining about; or is the complaint to the effect that once they receive this education—the same education as white children—they are not accepted in the community so that they can use it? Which of the two is it?

The JOINT CHAIRMAN (*Senator Gladstone*): The latter is the case, and I know I speak for my friend here, because it is the same thing on all reserves.

Mr. CHARLTON: I cannot quite take that statement. We have many teachers teaching on the Six Nations reserve now. There are too many teachers there now for the needs of the reservation. These girls are going out and getting jobs in white schools. They are accepted as teachers in white schools, so why should they not be accepted in the ordinary white community?

The JOINT CHAIRMAN (*Senator Gladstone*): May I interject there? Mr. Charlton, why do you not send some of those to us? We would gladly accept those teachers in western schools.

Mr. CHARLTON: They will be available to you shortly.

The JOINT CHAIRMAN (*Senator Gladstone*): Why do you not make the Indian affairs branch send them out to us?

Mr. CHARLTON: We cannot make them go any place. We let them choose the school, and many of them want to choose a white school for a while before they go back to the Indian reservation.

Senator MACDONALD: There is another point which I do not think has been put on the record yet. What is the population of the Thunderchild reservation?

Mr. THUNDERCHILD: It is 400—a little over 400.

On resolution No. 5.

Miss LAMARSH: Has there ever been an assistant agent on this reserve?

Mr. THUNDERCHILD: We have one assistant, but he lives about 60 miles from us, so he does not come very often. When we want to get something done we have to look around and everything is delayed. We want to have an assistant agent closer to us.

Miss LAMARSH: Do you have an agent on the reserve at all?

Mr. THUNDERCHILD: He is 60 miles away.

Mr. STEFANSON: The assistant agent calls at your reserve at certain times?

Mr. THUNDERCHILD: Yes. He looks after about 1,100 Indians altogether and here in our place we have 400.

Mr. STEFANSON: You know the days on which he comes to your reserve, and if you have problems or difficulties you can put them to him on those days.

Mr. THUNDERCHILD: There are so many who want to see him that he cannot spend much time.

Senator MACDONALD: I cannot understand why you are asking for an assistant agent. I know there are smaller reserves which have a full-time superintendent. Why do you not demand a superintendent? You say you have a population of about 400. Why are you not asking for a superintendent?

Mr. THUNDERCHILD: I can tell you I did not make up this brief. When I go back I will try to do my best to get an answer to that.

Mr. CADIEU: Prior to 1956 you had an assistant agent resident on this reservation, and I think in 1956 he was moved to Cochin and the buildings were closed down and sold. Why did you not protest at that time and why did the assistant agent move off the reserve? I would have thought that a protest would be only reasonable. That is why I am asking the question. I think it was in 1956 this happened. Is that not right?

Mr. THUNDERCHILD: Yes.

Mr. CADIEU: The question is, did the band protest at that time?

Mr. THUNDERCHILD: As far as I know, the house he was living in was condemned. That is why they sold it for \$500. It was a big house.

The JOINT CHAIRMAN (*Senator Gladstone*): What are the duties of an assistant agent? I think Mr. Jones could answer that, and my question would be to him: does the assistant agent replace the farming instructor? That can be answered by Mr. Jones later on.

Mr. GUNDLOCK: On resolution No. 6, band funds, I do not understand what you mean by saying they are held in trust, where the money is now.

Mr. THUNDERCHILD: I guess I can try to explain that now. We have band funds and we make a bit of money in the springtime. Sometimes when we need the money we cannot get it. Sometimes the snow is flying when we try to get a price for fish or a price for lumber for the repair of houses. Yet the amount of money has not improved.

Mr. GUNDLOCK: From Ottawa, you mean?

Mr. THUNDERCHILD: I do not know. It may be Ottawa or it may be an agency. I do not know, but that is what happened.

Mr. GUNDLOCK: In other words, when you make your budget you want the money to be available when you want to start the work?

Mr. THUNDERCHILD: That is right. We want the money to be there. Sometimes we Indians make some money and we want to have this money available when it is required.

Mr. GUNDLOCK: Where is the money ordinarily? Is it in Ottawa or does it come from Ottawa?

Mr. THUNDERCHILD: The agent told us we would have to send to Ottawa for it.

Mr. CADIEU: Resolution number seven asks for the extension of the hospital at Turtleford. I have heard this request made before. Prior to this, there had been a hospital for the Indian population in Turtleford. It was exclusively for Indians, but I think there are quite a few bands in that area which would prefer to have hospital services in towns closer to the reservations.

Mr. THUNDERCHILD: That is right.

Mr. CADIEU: You would prefer that to having an Indian hospital in Turtleford?

Mr. THUNDERCHILD: That is right, yes.

Mr. GUNDLOCK: Referring to this resolution number seven for a moment, and in respect to teaching in Indian schools, that goes back to the question Senator Gladstone was speaking about a moment ago, that when Indian nurses are qualified, they certainly should be encouraged to come back to the reservation. I think that is what the Senator had in mind. Is that not right?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes, that is right.

The JOINT CHAIRMAN (*Mr. Grenier*): Resolution number eight, band councils; are there any questions?

Mr. GUNDLOCK: Is this not related to the same thing, that the band councils have no authority with respect to the qualifications of teachers and so on; in other words, if they want an Indian teacher to come back—but perhaps I do not understand this properly.

Mr. SMALL: I think he means tenders on all works, does he not?

Mr. THUNDERCHILD: I shall try to explain about the teachers. We have two ladies teaching on our reserve now. The kids complain that the teachers sleep in their chairs most of the time. We seem to draw that kind of teacher.

Mr. SMALL: Well, you will see some of them sleeping in the house, sometimes. Perhaps we had better get some pills to keep them awake.

The JOINT CHAIRMAN (*Mr. Grenier*): Resolution number nine, social aid. Are there any questions?

Mr. CADIEU: I notice in this resolution that you recommend that any member of a band who is 55 years of age should get relief. Do you mean that he should get relief whether he needs it or not, at the age of 55?

Mr. THUNDERCHILD: I think it is meant for those who need it.

Mr. SMALL: If he gets on the council, he can recommend that he get it for himself.

Mr. THUNDERCHILD: That has been done a lot of times.

Mr. HENDERSON: The lady member of the committee has had to leave. But before she left she asked me to inquire about the time or notice that the witnesses had of the meeting, in which to prepare to come.

Mr. THUNDERCHILD: We are situated pretty far north. Mr. Slack addressed my letter to the wrong place, that is, to Lively, rather than to Turtle. Therefore I did not receive my letter until about two days before I came up.

I have a phone in my home, and they telephoned me and told me that I was to come up. So I knew about it for a week and a half ahead of time.

Mr. HENDERSON: The lady member requested that I ask the question.

The JOINT CHAIRMAN (*Mr. Grenier*): Resolution number ten, Indian representation.

Mr. BALDWIN: How long have you known that you would be coming here at some time to make representations or present a brief on this particular date? How long had you known that you were going to come here at some time to present a brief?

Mr. THUNDERCHILD: Do you mean how long before I knew I was coming up here?

Mr. BALDWIN: Not that you were coming on this particular day, but how long have you known you would be coming here sometime to present a brief?

Mr. THUNDERCHILD: I did not expect to come up here.

Mr. SMALL: Did your band expect that someone would be coming here to present a brief some time? When did you make the decision to come here?

Mr. THUNDERCHILD: I knew somebody was coming.

The JOINT CHAIRMAN (*Senator Gladstone*): Did you know it before Easter or after?

Mr. THUNDERCHILD: I couldn't tell you.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on No. 10?

Mr. HENDERSON: That is the one we have been discussing.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes. Are there any questions on resolution No. 10, Indian representation.

Mr. CADIEU: I think what the witness means by this is they have a timber reserve approximately twenty miles or more away. They brought this matter up. When I was up there they asked me if it would be possible to trade this for a timber reserve closer to their reservation. I spoke to the supervisor in Saskatoon and also Mr. Jones when I came to Ottawa. They tried to negotiate a deal with the provincial government. That is the idea behind this resolution.

Mr. THUNDERCHILD: That is right.

Mr. CADIEU: I think that negotiation is under way. Just what progress has been made, I do not know.

Mr. HENDERSON: That is a sensible approach.

The JOINT CHAIRMAN (*Mr. Grenier*): Resolution No. 12; sawmill.

Mr. CADIEU: I have discussed this also with Mr. McLeod in Saskatchewan. We went through a number of reserves up north. I am pretty sure they would not have much trouble getting a sawmill if they had the timber to saw.

Mr. THUNDERCHILD: That is right.

Senator MACDONALD: Is there lumber around there to keep a sawmill going?

Mr. CADIEU: That is just the point. When a band does not have enough timber they may move a mill from another band to cut the logs. One mill might handle three or four reserves.

Mr. SMALL: You could not let anybody handle a sawmill either. There is too much of a hazard in the way of risk of injury.

The JOINT CHAIRMAN (*Mr. Grenier*): Resolution No. 13, canvas and gillnets.

Senator MACDONALD: I know what a gillnet is. What sort of fish do you catch with a gillnet?

Mr. THUNDERCHILD: White fish, suckers and jacks.

Senator MACDONALD: Do you get them on a commercial scale? Have you filleting plants or anything like that?

Mr. THUNDERCHILD: We have a domestic licence.

Senator MACDONALD: You do not have freezers or anything like that?

Mr. THUNDERCHILD: No. They dry them and make dry meat out of the fish.

Senator MACDONALD: In other words, do I understand that the fish you catch is only for your own consumption?

Mr. THUNDERCHILD: Yes.

Senator MACDONALD: There is no possibility of commercial fishing and processing?

Mr. THUNDERCHILD: No.

Senator MACDONALD: Thank you.

Mr. GUNDLOCK: In respect of the treaty which has been mentioned here you say you were promised canvas, gillnets, ammunition and blankets. This morning we heard that certain things were for a three year period. Would this be in the same category?

Mr. THUNDERCHILD: Yes; but we never got anything out of it. We never received anything like that.

The JOINT CHAIRMAN (Mr. Grenier): But is there anything like that mentioned in the treaty?

Mr. BALDWIN: In the treaty it says:

It is further agreed between Her Majesty and the said Indians that the sum of \$1,500 per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition, the twine for nets, for the use of the said Indians, in manner following, that is to say: In the reasonable discretion, as regards the distribution thereof among the Indians inhabiting the several reserves, or otherwise, included herein, of Her Majesty's Indian Agent having the supervision of this treaty.

As I read the original treaty it suggested \$1,500 to provide ammunition and twine amongst all of the Indians covered by this particular treaty.

Mr. SMALL: It that twine for nets?

Mr. STEFANSON: Yes.

Mr. CHARLTON: It is twine to make the nets.

Mr. GUNDLOCK: It does not say canvas and gillnets.

The JOINT CHAIRMAN (Mr. Grenier): This takes care of the resolutions which were mentioned in the brief. However, there were three more added afterward.

One resolution is that the department should try to get more work for young Indian boys and girls on the reserve. Are there any questions in this connection?

Although it is a very important resolution, I believe the subject at least has been partially covered.

Mr. CADIEU: I thought the department had been doing a lot of work along that line. I have noticed the farming structure which is working out from Meadow lake. There is a young Indian boy there. He is doing very well. Also, I met two or three Indian girls who were teaching. I think the witness brought to my attention the matter of vocational training. He complained to me about so many boys and girls going to grade 9, 10 and 11, and then going no further. I think that the department, in furthering vocational training, would certainly do a great service to these people. When I was up in the northern part I met an Indian girl who was going out to teach at Canoe lake. She seemed to be a fine, capable young girl. I know the Indian boy at Meadow lake is making very good progress with the Indian population. Throughout my travels through the north I felt that the department was co-operating fully by placing these young people who were prepared to go out and work amongst the Indian population.

Mr. THUNDERCHILD: I believe you are referring to the wrong one there. This is when I was talking about getting more work for the boys and girls on the reserve. They do not do anything on the reserve. I am not talking about the ones who go to grades 9, 10 or 11; I am talking about the boys on the reserve who do not do anything.

The JOINT CHAIRMAN (Senator Gladstone): You are talking about the ones who do not go to high school.

Mr. THUNDERCHILD: Yes. They just sit around and do nothing. These boys need help. I think something should be done for them. Perhaps a mill could be erected, as there is a lot of timber up there. Also, they could help build welfare houses and other things which would prove to be helpful to the Indians.

Mr. CADIEU: It seems to me that when I visited your band and discussed these things, a lot of ideas came up, such as fencing the reservation for larger

pastures, reclamation of some of this land, as well as logging. Has the band taken this any further?

I might say that I brought your recommendations to the attention of the supervisor. I do think they should be followed up.

Mr. THUNDERCHILD: We will do that.

Mr. CADIEU: I certainly agree with the witness that some assistance should be given to those young boys and girls. I might say that at the present time they are just existing on the reserve.

The JOINT CHAIRMAN (*Senator Gladstone*): May I just say a few words on that subject? Being on the committee for land use in the Senate, I do see a very great opportunity for a survey to be made on the use of Indian lands. This would prove of great assistance to those people who stay there during their whole lifetime and raise their families. I think that the matter should be taken into consideration so that, if possible, those lands could be used by the people who are living on them, this being to their own advantage rather than to have them continually on relief.

I have been in the northern part of all the provinces and, notwithstanding Ontario, up to a certain line where there is brush country the people are willing to work. I have asked their chiefs what do they want for their people and they all say: "we do not want relief; we want to clear land that could be used for certain purposes". Therefore, I believe the land committee which we have in the Senate—it is a special committee—should use the facilities of the different departments of the country to include these areas wherever they can. By doing that, the land would be more economically useful for the Indians to settle on. I should like to have this on record because it is a very important factor. Indians in the northern parts, and everywhere I have gone, do not want to be on relief. They want some work even though it may only give them a bare livelihood.

Mr. CADIEU: While there is nothing in the long list of resolutions submitted by Mr. Thunderchild, and even though the witness himself has not brought it up, I may say that I received a very lengthy letter from him concerning the liquor outlets on the reserve. I wonder did he overlook to mention this point. As I say, I received quite a complaint from the witness with regard to liquor outlets and I should like to have his opinion about them.

Mr. THUNDERCHILD: That is not included in the brief but some other guys wanted me to raise the matter here. I have not raised it because I want to follow the wishes which my council expressed. They do not want me to mention it, but I should like to talk about the liquor.

Mr. CADIEU: Go ahead.

The JOINT CHAIRMAN (*Senator Gladstone*): What is your point of view on the liquor situation?

Mr. SMALL: We shall put it this way. We shall ask you, and that will take the burden off your shoulders. What is your opinion on the liquor set-up on your reservation as compared with other reservations?

Mr. THUNDERCHILD: Liquor is no good. I would ask any of you to tell me what is good liquor; when is liquor good to anyone, especially Indians?

Mr. SMALL: Why do you make that statement? Indians are no different in that respect to anyone else.

Senator MACDONALD: We had a brief submitted to us about ten days ago, and the witness who presented it stated that the reservation he belonged to did not allow liquor on it. I wonder does that apply to all reservations in Canada? The point he was making is that an Indian can go out

and buy a quart of liquor but he cannot take it home to his reserve. Instead, he goes back into the bush, or somewhere else, and gets full on it. Then, when he gets home—

The JOINT CHAIRMAN (*Senator Gladstone*): He gets pinched.

Senator MACDONALD: But the witness said that if Indians were allowed to take liquor home with them and drink it there, their women might scratch their faces and that would be the end of it.

Mr. SMALL: You made some statement about outlets, or someone mentioned outlets on the reserve. How did that come about?

Mr. THUNDERCHILD: So far as liquor is concerned, I can only say it is pretty bad for the Indians.

Mr. SMALL: Who would have the outlets—bootleggers?

Mr. THUNDERCHILD: I do not know.

The JOINT CHAIRMAN (*Senator Gladstone*): Did you never buy any from a bootlegger?

Mr. THUNDERCHILD: I never did.

Senator MACDONALD: You have no experience of moonshine?

Mr. THUNDERCHILD: You have got me there.

Mr. SMALL: There was some reference to outlets on the reserve. Is it not a fact that before Indians can bring liquor on the reserve they have to have permission from the band?

The JOINT CHAIRMAN (*Senator Gladstone*): Is there any legal outlet on the reserve?

Mr. THUNDERCHILD: No.

Mr. SMALL: Then, it is got on illegally and we are not responsible for that.

The JOINT CHAIRMAN (*Senator Gladstone*): But is it not a fact that in Saskatchewan it is open for you to drink all you want.

Mr. THUNDERCHILD: Yes, that is right.

Mr. SMALL: How do you police this reserve? Who polices it?

Mr. THUNDERCHILD: Nobody.

The JOINT CHAIRMAN (*Mr. Grenier*): There is another resolution about living conditions on the reserve. This one was added to the brief.

Senator MACDONALD: As I understand it, the liquor laws are under the control of the province. It is a provincial matter. Is that correct?

Mr. SMALL: Yes, but the federal law says they have to get permission, by vote of a substantial majority, before they can have liquor on the reservation. That is one of the provisions administered by the Indian affairs department. The Indians have practically a local option on it. The option rests with each reservation.

Mr. GUNDLOCK: It might be a little different in this case. Actually, Saskatchewan is somewhat different to the other provinces. They have allowed Indians to go into beer parlors and purchase liquor there, but they cannot take it back with them to their reserves.

I understand that the Saskatchewan government has asked the federal department on Indian affairs to allow them to take it home. I do not know whether I am right.

Mr. SMALL: That can be done provided they take a vote on it and the local option has a substantial majority. Mr. Jones explained this morning that that is the rule.

Mr. GUNDLOCK: As far as we are concerned, that is the whole point.

Mr. SMALL: But they said they do not have any police.

Mr. GUNDLOCK: You mean then that we do not enforce it?

Mr. SMALL: The band council has to have their own police enforcement staff.

Mr. GUNDLOCK: It is really nothing to do with us, it is purely provincial.

The JOINT CHAIRMAN (*Mr. Grenier*): There is another resolution concerning farming, are there any questions on it?

Mr. SMALL: How many farmers are there on your reservation?

Mr. THUNDERCHILD: Not many, but some of them would like to start farming. They had been farmers before but the land has gone back.

The JOINT CHAIRMAN (*Mr. Grenier*): You mean the government should encourage them to farm?

Mr. SMALL: You said the land went back?

Mr. THUNDERCHILD: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): I believe this covers Mr. Thunderchild's brief, and we thank him very much.

We will now call on the Qu'Appelle File Hills agency represented by Chief John Gambler, Chief Lawrence Thompson and Chief Victor Starr. As time is running on, we can go on right away.

While Mr. Thunderchild was giving evidence, there were some questions that were held up for Colonel Jones to answer. I believe we should call on Colonel Jones to answer those questions on resolution No. 2—welfare housing.

The JOINT CHAIRMAN (*Senator Gladstone*): I think what was meant by this was, how much of this brief refers to welfare housing supplied by government funds and how much is out of their own band funds, that is, from Mr. Thunderchild's reservation.

Mr. JONES: I could not give the figures. I do not know what these band funds amount to. We try to meet from welfare appropriations the money needed for housing. Some bands carry their entire housing programs themselves. They have large funds. Some look after housing of their bands and some have not any funds, and in those cases the houses are put up by the Indians themselves with aid from the Indian appropriation. Sometimes we share that 50-50, the bands sharing to the best of their ability, with an equal amount coming from the welfare appropriation. The program is very flexible. Some bands devote a considerable amount of their funds to housing and some very little.

The government, through the Indian affairs branch, spends \$2 million a year on what we call welfare housing.

The JOINT CHAIRMAN (*Senator Gladstone*): I think that answers the question. The next is on resolution No. 5. Why was it that the farm instructors were replaced by assistant agents?

Mr. JONES: I think largely as a result of the deliberations of the former committee. They changed a lot of the names used in Indian affairs. There used to be an Indian agent and a farm instructor. Those have been changed to Indian superintendent and assistant. The assistant is more responsible, now, I would think, than the former farm instructor. We expect him to lead in the matter of housing, roads and the good of the community. I think the former farm instructor devoted most of his time to agricultural activities. There are no farm instructors on the staff at all. They are all replaced by this new category of civil servant called an assistant.

The JOINT CHAIRMAN (*Mr. Grenier*): Can they act also as farm instructors?

Mr. JONES: Yes. There are added duties.

The JOINT CHAIRMAN (*Senator Gladstone*): Under present day conditions do they not need farming instructors as well as Indian agents or assistants? The Indian agent is not resident on the reserve and he is very seldom in contact with the people whom he should serve as father, as instructor—or as an uncle.

I have mentioned the fact that where we used to call our agent father, we now have to call him uncle, by reason of the replacement of the old act with the present act, in 1951.

Mr. JONES: As you so correctly say, your Indian agent has a great many responsibilities, and he has to have the help of assistants whose main occupation on an agricultural reserve is the promotion of agriculture, or cattle raising. In addition, he has other duties, but they are all in the interests of furthering the welfare of the band.

The JOINT CHAIRMAN (*Senator Gladstone*): I do not want to be impertinent, but I would say this much: that the present superintendent on our reserve has never visited our band herd of cattle, or any of our farming operations since his appointment as superintendent on our reserve.

Moreover, while there is a very nice residence on the reserve for him, nevertheless he moved into Cardston, and has dissociated himself from us in all aspects of social life, or by way of any help he might give us as a parent or councillor, or anything like that; and that goes for all other reserves too.

Mr. JONES: Is it not true that the Indian superintendent or agricultural agent that you speak of is not responsible for changing his residence from the reserve to Cardston, because this was done long before the present incumbent?

The JOINT CHAIRMAN (*Senator Gladstone*): It was done since the 1951 act came into effect.

Mr. JONES: The present incumbent is just following the pattern in taking up residence where the former superintendent resided. And I might say that the present superintendent is an agricultural college graduate, and should be in a position to guide the band and help the Indian people of the Blood band in their farming activities.

The JOINT CHAIRMAN (*Senator Gladstone*): Well, he may have the knowledge, but he lacks the wisdom in how to meet people, and how to use that knowledge.

Mr. SMALL: Are there any Indians on the reserve who have become highly proficient?

The JOINT CHAIRMAN (*Senator Gladstone*): No. They have deteriorated, in that respect. We did have two very good men, but one has been called back to Ottawa.

The JOINT CHAIRMAN (*Mr. Grenier*): I think we are getting a little far afield from the Thunderchild reserve. Moreover, we have with us witnesses who wish to present quite a long brief.

Mr. SMALL: He was supposed to answer these questions.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. SMALL: What other questions are left to be answered by Col. Jones?

Mr. GUNDLOCK: I may not have understood this properly, but I want to ask a question about resolution number one, for instance.

The JOINT CHAIRMAN (*Mr. Grenier*): Go ahead.

Mr. GUNDLOCK: We called Mr. Jones during the witness' statement. According to the treaties, have certain areas for hunting and fishing—not necessarily this one—but have they been turned over to the province? Is the province in

any case now administering land which was formerly made available to the Indians, either by reservation, by treaty, or otherwise?

Mr. JONES: Under the transfer of the natural resources to the three prairie provinces, yes; that responsibility was handed over by the federal government to the provincial government.

Mr. GUNDLOCK: Have the provinces carried out their part of it? In other words, the federal government agreed to certain areas being allotted for the use of the Indians. Have the provinces followed through on that?

Mr. JONES: The rights of the Indians have fairly well been safeguarded as regards the right to hunt and fish for food. There have been many court cases on it and they have always ruled in favour of the Indian.

Mr. BALDWIN: Take this particular treaty, for instance. It covered 121,000 square miles—that is this treaty No. 6 under which these bands came. As we said before, it provides that all those lands which were given by the Indians to the government at that time would still be subject to the rights of hunting and fishing, except where the lands had been taken for lumbering or for farming by the white people. Everything else not taken was to be available for hunting and fishing. When the natural resources were given by the federal government to the provincial government was there an understanding by way of correspondence or anything in respect of the turning over of the natural resources by which the provincial government agreed to carry on the responsibility which the federal government had assumed under the treaty?

Mr. JONES: Pretty well. I have been thinking it might be of interest to the committee if, in your wisdom, you should decide to have a complete discussion of treaties. It is a very interesting subject as you know. Once we reach the point where you will be hearing the departmental officials you might like to set aside a whole afternoon for this subject. Mr. Conn, our general supervisor of wildlife, is an expert on western treaties because of our fur agreements with Ontario, Manitoba and Saskatchewan. He is the departmental representative on a joint committee which sits twice a year. He would be able to show the committee to what extent the department is interested in the wildlife of Saskatchewan, Manitoba and Ontario through these agreements.

The JOINT CHAIRMAN (*Senator Gladstone*): Does he sit on the Northwest Territories council?

Mr. JONES: No. I am a member of the council. Mr. Conn, however, has gone up and conducted surveys in the Northwest Territories. I would like the committee to hear him on this matter of wildlife and I am sure you would find it very interesting. There have been many court cases on this subject.

Mr. BALDWIN: I would like to reserve any further questions until then. There is a common thread of many issues running through these representations and brief after brief has come before us in which there have been complaints of treaties not being observed. I am sure we should go into it. I will not pursue it now, but I will have many questions later. I will reserve my questions until then when we can deal with it as one matter.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions which were put on the shelf for Colonel Jones?

Mr. GUNDLOCK: There is one more question in respect of resolution No. 5, band funds. It was stated that when the budget was drawn up and the monies held in trust they were hampered sometimes by having to wait too long.

Mr. SMALL: The money was taken away somewhere.

Mr. JONES: The regular procedure is that when funds are budgeted and projects undertaken the superintendent requests an accountable advance. That is immediately sent out to the agency superintendent so that he has money

available for wages and expenditures. There is sometimes a delay at the end of the fiscal year in getting money out. However, during the remainder of the year, unless there is a breakdown in the machinery, the moneys do go out in advance.

Some bands have requested, under section 68 of the act, complete control of the revenue funds. They apply to the minister for that privilege and, if it is granted, then once a year a cheque for all the money goes out. It goes into a bank of the Indians' choice, and they sign the cheques. There are more and more bands coming into complete control of their own funds.

Mr. GUNDLOCK: In effect, then, the answer to this would be that it is available except for extra expenditures which are over and above your budget. I think the complaint was that people do not want to work for them because they have to wait too long for their money. However, it is not within the budget, as I understand your answer.

Mr. JONES: No. If the budget is approved, the money is always in Ottawa, and accountable advances for various projects can be sent, and are sent to the agent for the Indians. So, they do not have to wait and, as I say, the only time there is a real delay is at the end of the fiscal year, when all money has to be accounted for and returned to Ottawa, and new money sent out. However, we have not had too many complaints recently about delays in money out there. Of course, the answer is that a band request that they take over full control of their revenue moneys, as so many are doing at the present time. They have their own secretary, their own bank account; they are bonded, have auditors, and run their own show.

The JOINT CHAIRMAN (*Mr. Grenier*): Does that take care of the questions on this item?

We have with us now Chief John Gambler, Chief Lawrence Thompson, and Chief Victor Starr.

There are two ways in which we can proceed. We can either ask Chief Gambler to read the brief, and, while he is doing so, members of the committee could ask any question when a point arises; or, we could put the brief in as read and then go through it and ask questions of Chief Gambler.

Mr. CHARLTON: I wonder if that would not be a good idea. I think the brief should be taken as read. I have read it a couple of times, and I know others have, as well. It would save a considerable amount of time if we printed it as read. In that way we could proceed now with the asking of questions on the brief.

The JOINT CHAIRMAN (*Mr. Grenier*): Is that agreeable to you?

CHIEF JOHN GAMBLER: Yes.

Senator MACDONALD: What brief is this?

The JOINT CHAIRMAN (*Mr. Grenier*): It is the Qu'Appelle Indian advisory council of chiefs independent.

Is it agreeable if we proceed in this way?

Some HON. MEMBERS: Agreed.

THE HONOURABLE JOINT COMMITTEE OF SENATE AND
HOUSE OF COMMONS ON INDIAN AFFAIRS

The brief herein is being submitted by the Qu'Appelle Indian advisory council of chiefs independent, which is composed of chiefs and councillors of six tribes of the File Hills Qu'Appelle Indian agency located in the south central portion of the province of Saskatchewan. The tribes or reserves which support this brief and its contents are the Muscowpetung reserve, the Okeeneese reserve, the Carry the Kettle reserve, the Peepeekisis reserve, the Star Blanket reserve and the Wood Mountain reserve.

In order to supply the members of this honourable committee with some background which may prove helpful in understanding some of the reasons which have influenced the suggestions and recommendations which are herein contained, we would first like to point out that these tribes make their primary living from agriculture; that we are most anxious that our treaties be interpreted and administered literally, but that weighty consideration be given to the intention and meaning intended at the time of their signing before being translated into present-day language and meaning; that we are anxious to perpetuate the traditions and customs of our colourful and illustrious ancestors; that we are anxious to preserve for our generations yet unborn the advantages and preferences granted under the treaties; that we do not consider our people inferior to the white people, but rather people enjoying a privileged status granted by the white man under solemn contract in return for the peaceful surrender of our land.

The treaties, as you are all aware, were negotiated in the 1870's between literate and learned people on the one hand and illiterate but cautious and trusting people on the other. The treaties were also negotiated at a time and place when generally speaking the only technological advancements known to the Indians, the one contracting party, was the invention of gun powder and the invention of the wheel. The Indians on the one hand had experienced the ravages of famine and disease and also the disadvantages of being a nomadic race. The commissioners came, therefore, in the light of these conditions, to negotiate for the surrender of vast areas of land, which had been deemed necessary for the development of this Canada, and to provide for advantage and advancement of overcrowded areas of the motherland. The commissioners, as you are aware, made offers to the Indian peoples who had appointed representatives to represent speak and negotiate for their masses. The government of the time therefore, in authorizing its commissioners to negotiate with the Indians, recognized firstly that the Indian peoples were in rightful occupation of the land, the surrender of which would require a price to be paid; secondly, that the Indian people had the ability to elect representatives; thirdly, that the representatives so appointed represented the thinking of the Indian people; and fourthly, that the representatives so appointed by the Indians were qualified to know what was good for their people.

In the light, therefore, of the advantages and disadvantages of the Indian representatives, we submit that you should, in your recommendations and legislation, have regard not only to the actual treaties, but also to the discussions which led up to and formed the basis of the treaties. The only book which we, your suppliants, know of on this subject is "The Treaties of Canada with the Indians of Manitoba and the North West Territories" by the honourable Alexander Morris, P.C., late lieutenant governor of Manitoba, the North West Territories and Kee-Wa-Tin.

With your indulgence therefore, we would like to draw to your attention certain portions of the discussions which were, according to the aforesaid book, uttered prior to the signing of the treaties. Having regard to the question of integration of the Indian people, Lieutenant Governor Archibald, at the Stone Fort and Manitoba Post treaties said:

But the Queen, though she may think it good for you to adopt civilized habits, has no idea of compelling you to do so. This she leaves to your choice and you need not live like the white man unless you can be persuaded to do so of your own free will.

Dealing with the question of perpetuating Indian reserves, Lieutenant Governor Archibald, prior to the same treaty, is quoted as saying:

Your Great Mother, therefore, will lay aside for you lots of land to be used by you and your children forever. She will not allow the white man to intrude upon these lots... there shall be no Indian who has not a place that he can call his home.

In connection with the problem of extending to Indians the right to have liquor, there were discussions at the negotiation of the North West Angle treaty, the Qu'Appelle treaty, the treaties of Fort Carlton and Pit and possibly others. At the North West Angle treaty, the discussion which took place is quoted as follows:

Chief: As regards the firewater, I do not like it and do not wish any house to be built to have it sold. Perhaps at times I should be unwell I might take just a drop for medicine; and shall anyone insist on bringing it where we are I should break the treaty.

Governor: I meant to have spoken of that myself. I meant to put it in the treaty. He speaks good about it. The Queen and her parliament in Ottawa have already passed a law prohibiting the use of it in this territory, and if any shall be brought in for the use of you as medicine, it can only come in by my permission.

At the treaties of Fort Carlton and Pit, Lieutenant Governor Alexander Morris is quoted as having said:

". . . and therefore the firewater which does so much harm will not be allowed to be sold or used in the Reserve."

The government of the day, through her representatives, recognized the ill effects of liquor by the wording of the North West Angle treaty and the Qu'Appelle treaty. The first mentioned treaty having regard to this problem reads as follows:

Her Majesty further agrees with her Indians that within the boundaries of Indian reserves, and till otherwise determined by the Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve her Indian subjects inhabiting the reserves or living elsewhere within the North West Territories, from the evil influence of the use of intoxicating liquor shall be strictly enforced.

The Qu'Appelle treaty has similar words, and reads as follows:

Till otherwise determined by the Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold; and all laws now in force or hereafter to be enacted to preserve her Indian subjects inhabiting the reserves or living elsewhere in the North West Territories from the evil effects of intoxication shall be strictly enforced.

The supporters of this petition ask that liquor and intoxicating beverages be prohibited from our reserves and that our peoples still be prohibited from using such even off the reserve, inasmuch as we believe that the evil effects of intoxication are no different today than they were in the 1870's, and if it were possible for you to sit at provincial magistrates' courts within our province, you would see today the evil influences of liquor and intoxication upon our peoples. The situation today, when we are prohibited from having liquor, is bad enough, but what can possibly be the situation if we are openly permitted to have the free use of these beverages. Surely our peoples will soon become so degraded that the illustrious past which we are pledged to preserve will soon disappear and only become a brief entry in the history books of tomorrow.

The Indians, and particularly the peoples involved in this submission are most anxious that Indians should not have the right or the privilege of voting. We believe that the question of Indian advancement, betterment, welfare and integration should not be a matter for political discussion, inasmuch as we believe that they are problems of too great an importance to be thrown into the political arena. We regard all Indian matters and problems as *cestui quo trust*, and the non-Indians through their elected representatives as the trustees. It would hardly be right for the beneficiaries of the trust to have an active voice in determining who the particular trustees are to be, nor would it be right that we, the beneficiaries, should have an active voice in determining the manner of management of the trust so long as the words and spirit of the treaties are strictly adhered to. We have, we believe, the best safeguard for this when the governor at the North West Angle Treaty said:

The ear of the Queen's Government will always be open to hear the complaint of her Indian people, and she will deal with her servants that do not do their duty in a proper manner.

We do not think it right that we should decide who or what political philosophy is to represent "The ear of the Queen's Government." We do, therefore, ask that the right to vote not be given to the Indian people in mass, but only to those who wish to disassociate themselves from the treaties and the advantages thereby given.

The Indians have, as you may all know, become concerned with regard to what their position is when sickness strikes their people, either individually or in mass. Lieutenant Governor Morris at the treaties of Fort Carlton and Pit said:

The Medicine Chest shall be kept at the house of each Indian agent in case of sickness among you.

The words "medicine chest" have, as you may know, received from judicial interpretation in the judgment of the Exchequer Court of Canada in the petition of George Dreaver et al v His Majesty The King, dated April 10, 1935. The honourable Mr. Justice Angers at page 19 of the judgment said:

As I have previously pointed out, the Treaty stipulates that a Medicine Chest shall be kept at the house of each Indian Agent for the use and benefit of Indians at the direction of the Agent. This in my opinion means that the Indians were to be provided with all medicine, drugs or medical care which they might need, entirely free of charge. The proof does not elicit what the medicines, drugs or medical supplies, mentioned in the statement inserted in paragraph 4 of the petition, were nor does it show the reason why they were charged. Do they constitute all the medicines, drugs and medical supplies furnished to the Indians of the Mistawasis Band by the Department of Indian Affairs

or do they only represent a part of what was supplied to them, there is nothing in the evidence to indicate it. Be that as it may, I do not think that the Department had, under the treaty, the privilege of deciding what medicines, drugs and medical supplies were to be furnished to the Indians gratuitously and which were to be charged to the funds of the band. The treaty makes no distinction; it merely states that a medicine chest shall be kept at the house of the Indian Agent for the use and benefit of the Indians. The clause might unquestionably be more explicit, but, as I have said, I take it to mean that all medicines, drugs or medical supplies which might be required by the Indians of the Mistawasis Band were to be supplied to them free of charge.

We would agree with this interpretation if the words were included in a treaty signed today, but at the time medicines, pills, ointments and medical supplies were the only health sustaining and sickness curatives known in the territories. We also point out that the honorable Mr. Justice Angers mentions:

The clause might unquestionably be more explicit and we believe that the words of 1876, given their then intended meaning, would today read to include all medical and hospitalization services, as well as all necessary drugs and medical supplies. Generally we believe that the governments in the past and the present have been rendering this type of interpretation to these words and necessity, but there have been restrictions placed thereon through the administration of Indian health services—an administration not established by statute and so void of public interpretation and House of Commons safeguards that it is open for momentary and immediate change. We feel, therefore, that this great problem should be clearly set forth in a public statute so that there is no possibility of misunderstanding, and in any event would be open for proper judicial interpretation.

Taxation in its present day form is another matter which has created for the Indians the situation which we feel was never intended. We believe that the government of the day intended that we should be able to live our lives upon our reserves free from any form of taxation, be it imposed by a Dominion or a provincial government. Certainly there was nothing stated in our treaties which would imply that we might be liable to taxation while within our reserves, and also it would be inconceivable that the trustee could create burdens upon the beneficiaries so as to diminish the subject matter of the trust. As we have said, we are farmers, and under the existing Indian Act it is conceivable that provincial governments could attempt to tax the fuel which we must purchase in order to cultivate and work our farm lands. We have already experienced a situation where a provincial government has attempted to fine and imprison our people and confiscate our people's property because they used the only tax free gas obtainable in automobiles driven upon our reserves. This government has in effect said you must use a certain type of gasoline in your automobiles whether they be used on or off your reserves, and we refuse to allow you to purchase this type of gas unless you pay the tax levied thereon. We regard this as a violation of our treaties, and one of the matters to be remedied. We are aware that although the treaties with Canadian Indians contained mostly similar provisions, that there are some differences. We are however not unmindful of the negotiations at the Qu'Appelle treaty where, when an attempt was made to get more advantageous terms, Lieutenant Governor Morris said:

"We can give you nothing more than we gave them. (The Indians at the North West Angle)"

We feel, therefore, that the government of Canada intended to give the Indians of Canada the same provisions for their security and welfare, subject however to variations in land size where relatively speaking changes were made so that the Indians would be self-supporting. The various promises which were made in the treaties were not intended to be for only a period of time as measured in years, or something that one of the contracting parties could alleviate the other from, because in the words of the Qu'Appelle Treaty we find:

Therefore the promises we have to make to you are not for today only but for tomorrow, not only for you but for your children born and unborn, and the promises we make will be carried out as long as the sun shines above and the water flows in the ocean.

We would, therefore, ask that this Committee keep these utterances in mind when dealing with matters pertaining to Indians, because it is with this background that we would now like to make specific recommendations with respect to changes in the Indian Act.

Before getting into the details of the Indian Act, there are in Canada two types of Indians. Firstly there is the Indian who treated with the government of Canada by means of solemn contract and pursuant to which they were granted special privileges. There are on the other hand Indians who came into Canada after the treaties, and who had nothing to give to the government by way of lands and hence should be regarded as a people immigrating into this country. The type of people which bears some resemblance to the former classification and yet is neither is of course the half-breed or metis. Inasmuch as we represent Indians who treated with the government of Canada, we humbly submit and suggest that there be two Indian Acts, the one dealing with the treaty Indian because of the special privileges and the other dealing with the non-treaty and possibly the metis. As a result, we will confine our remarks to suggest amendments of an Indian Act to deal only with the treaty Indian.

Section 1. This act may be cited as the Indian Act respecting Indians and their treaties. (It is the feeling of the undersigned that there should be a separate Indian Act for treaty Indians, and if necessary a second Indian Act in order to deal with matters pertaining to non-treaty Indians.)

Section 2. That clause 1(c) be deleted and the following substituted therefor:

"Council of the Band" means a Council chosen according to the custom of the Band, or, where there is no Council, the Chief of the Band chosen according to the custom of the Band.

(At the time of the signing of the treaties the Government of the day was prepared to recognize our customs as a means by which representatives would be chosen in order to speak for and sign the agreements by which our lands were surrendered, and your petitioners feel that the minister in charge of the administration of Indian affairs should have no right to decide what system of election is advisable for the good government of any band.)

That subsection 1(d) be amended to substitute in place of the Department of Citizenship and Immigration, the Department of the Secretary of State of Canada. (The Indian peoples in the 1870's dealt with the forerunner of the suggested department of Government, and in view of the recognition given the Indian nations at that time, it is our feeling that this recognition should be accorded even today, and that henceforth the Department of the Secretary of State for Canada should be the department in charge of Indian Affairs.)

That section 2, clause (1) subclause (f) be amended, deleting therefrom the words "and any interest in the land". (It is requested that the reference to land be deleted, inasmuch as it carries the implication that Indian Lands may be owned by individuals as an individual, rather than by treaty inheritance.)

That section 2, subsection 1(1) be amended to read "minister" means the Secretary of State for Canada."

Section 3. That section 3, subsection (1) be amended to substitute in place of the Minister of Citizenship and Immigration, the Secretary of State for Canada. That section 3, subsection (2) be amended to restrict the delegation of authority to the man not in any case below the head man in charge of the regional office, and that the necessary change from Deputy Minister of Citizenship and Immigration read Deputy Secretary of State for Canada.

Section 4. That subsection 3 be amended to remove from the control of the department all limitation over the extent of education of Indians. (The treaties provided for education, and it would not be in compliance therewith that the governor-in-council should be in a position to limit this education. It is also suggested that the references to sections 42 to 52 be altered so as to restore the whole of section 4(3) to the principle as established under the Indian Act of 1951.)

Sections 5, 6, 7. That sections 5, 6 and 7 be amended to remove therefrom all reference to the general list. (We are of the opinion that duplication of lists is unnecessary, and that all that is required is the bands list if Treaty Indians only are being dealt with.)

Sections 9 to 12. That sections 9 to 12 inclusive be amended by deleting all reference to general lists.

Sections 13 to 17. That sections 13 to 17 be amended by deleting all reference to general lists, and in the case of section 13 that the same read:

A Member of a Band may be admitted into membership of another Band with the consent of the Council of the latter Band.

Section 18. That section 18(1) be amended by deleting the words after the word "surrender" in the fourth line, and substituting therefor the following:

The Band in Council shall determine whether any purpose for which lands in a Reserve are to be used or are used is for the use and benefit of the Band.

Section 19. That section 19 be amended to insert after the word "may" which appears in the first line, the words:

"with consent of the Band in Council."

(The present wording of this section implies, we believe, a power in the minister which was not intended, and gives no recognition to the rights and powers of a band or its council or its chief, and would provide descension in the hands of overzealous persons acting under delegated authority.)

Sections 20 to 29. That sections 20 to 29 be amended to repeal the wide discretionary powers granted the minister and the council of a band, and to replace these provisions enabling the granting of possession or certificates thereof, and the other powers given under these sections to the minister with consent of the band in council. (It is our hope to be able to maintain for the benefit of our present and future generations ownership of land in common so as to be able to teach our people the spirit of true co-operation as existed in this country before the advent of the white man.)

Section 37. That section 37 be amended by deleting the words "except where this act otherwise provides". (It is our feeling that there should be no further absolute surrenders, but that surrenders, if granted, should be upon such terms so as to preserve unto the Indian tribe the accruing benefits from the land so surrendered, and so as to be in a position in the future of returning the lands to the full use of the Indian.)

Section 47. That section 47 (1) be amended to provide for appeals from all of the discretionary authority and jurisdiction granted to the minister under this act, and that the appeal be to the court of the province which would have had jurisdiction if the deceased were not an Indian, and that the rules regarding the practice and procedure shall be made by such provincial courts. That notice of the exercise by the minister of testamentary jurisdiction shall be posted in an accessible conspicuous place in the agency having supervision over the affairs of the band of which the deceased was a member. (At the present time the minister has power under section 45 to accept and approve wills of an Indian, with the result that is impossible for heirs to challenge the validity of such will, even in the event that the will was obtained by fraud, duress or undue influence.)

Section 53. That Section 53 (1) be deleted and the following substituted therefor:

The Minister or a person appointed by him for the purpose, may manage or lease lands surrendered in accordance with this Act and the terms of surrender.

That section 53 (2) be deleted. That section 53 (3) be amended by deleting the words starting in the third line, namely "except with the approval of the governor-in-council."

Section 54. That section 54 be deleted.

Section 57. That section 57 be amended to insert after the word "may" in the first line thereof the words "with the consent of the council of the band."

Section 60. That the entire section 60 be deleted. (This section at the present time implies and in fact grants to the governor-in-council a power which was never intended by the treaties, inasmuch as the treaties set lands aside for the use and occupation of the Indians.)

Section 61. That section 61 (2) be amended by adding after the last word thereof the words "but in any event not less than five percent per annum."

Section 64. That section 64 (a) be deleted. (It is our feeling that there should be no unconditional surrenders of land or conditional surrenders which would be of a nature so as to enable an outright sale of Indian land. In the event that this type of surrender was prohibited or made impossible, there can be no suspicion of persons having bought a surrender, and also the Indian peoples will not be tempted to accept money in lieu of their contractual heritage.)

Section 68. That section 68 (1) be amended by deleting the word "revoke" in the last line thereof.

Section 72. That section 72 (1d) be amended by deleting the word "taxation" therefrom.

Sections 73, 74, 75, 76, 77, 78, 79. That sections 73, 74, 75, 76, 77, 78, and 79 be deleted, and the Indians returned to the system existing before the two-year elective system.

Section 80. That section 80 be amended by adding thereto the subparagraph (s):

- (s) The control and management over lands in the Reserve occupied by that Band.

Section 86. That section 86 (1) be amended by adding thereto the subparagraph (c):

- (c) Personal property which may be purchased by an Indian ordinarily resident upon a Reserve, or personal property which may be purchased by a Band.

and that the section be further amended by adding in the tenth line after the word "possession" the word "purchase", and in the eleventh line after the figure (b) the figure (c).

Section 108. That section 108(1) be amended by inserting after the word "applied" in the second line thereof, the word "voluntarily". By amending subsection 2 of section 108 to delete the word "may" in the second line thereof, and substitute therefor the word "shall", and make similar provision for the word "may" in the fourth line thereof. Your suppliants, with the knowledge that your committee represents "The ear of the Queen's government humbly request that due consideration be given to the implementation of the foregoing suggestions and recommendations.

Dated at Fort Qu'Appelle, in the province of Saskatchewan, this—— day of March, A.D. 1960.

Muscowpetung Reserve	Chief
Okeeneese Reserve	Chief
Carry the Kettle Reserve	Chief
Peepeekisis Reserve	Chief
Star Blanket Reserve	Chief
Wood Mountain Reserve	Chief

The JOINT CHAIRMAN (*Mr. Grenier*): Chief Gambler now will make a brief statement, and then we will proceed to question him.

Chief JOHN GAMBLER (*Qu'Appelle Indian Advisory Council of Chiefs Independent*): Hon. gentlemen, it is my pleasure to stand before you this afternoon with my colleagues, who happen to be chiefs of different reserves in Saskatchewan, namely the Qu'Appelle agency.

I consider it a great opportunity, as well as a privilege, to stand before you and endeavour to make a good job of our representation. However, I am afraid that in view of my lack of education I will not be able to put it across to you as it should be done. But I am afraid that, with our lack of education, we shall not be able to put it across to you as it should be done.

I hope our brief will speak for itself but there is one point I should like to stress, and that is we consider it a great privilege to present ourselves before a government which made treaties with us. I am speaking now of treaty No. 4 made in 1874 with the Indians at Fort Qu'Appelle. Under the terms of this treaty we take it that we are talking to you as nation to nation. We do not come before you as politicians. We do not know anything about politics but we do come to you as statesmen. In taking up that position, we are only taking the same position as did our forefathers. However, at that time our forefathers were illiterate and, on the other hand, the Queen's commissioners were learned men speaking for the Queen. The Indians were given to understand that for as long as the sun shines, waters flow in the ocean and grass grows, this treaty would remain as good as the day it was made.

For that reason I say it is a great privilege for us to stand before you and I am sure the Canadian government feels it has a certain duty, which is a sacred trust that it must honour, as do we.

I am sure the Indians have done their level best to honour the agreements which they made. However, we are living in a period of change and we know we have to go along with changes in this day and age.

Now, it is my pleasure to read to you the preamble to the brief but, before I do that, I should like to put the record straight by saying we have a bigger organization in the province of Saskatchewan in which we have not taken membership, and we have certain reasons for that.

The reasons are due to the fact that we felt that there was an encroachment by the provincial government to bring on legislation that was going to break the treaty. It just happened to be my fortune to be a member of the Indian committee when the first conference was called in 1958. I represented the Qu'Appelle agency during the study and review of the proposals for extending the vote on liquor to the Indian. I am talking about the provincial government proposals. We discovered that it was bringing in something that would break the treaty—we thought that anyway. It happened that we got the Hawthorne report. I know that quite a few of you might be familiar with the Hawthorne report. We have a copy of it here, and if it is the pleasure of the committee I will read it, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): If this is agreeable to the committee.

Chief GAMBLER: Now, gentlemen, this is a survey that was taken in 1954 by Dr. Hawthorne and his 20-man team. During the process of the study and review of the government proposals, that is when we happened to be fortunate enough to get this article . . .

Mr. SMALL: You mean the provincial government?

Chief GAMBLER: Yes.

A revolutionary "Indian bill of rights"—

By the way, this survey was taken in British Columbia—

A revolutionary "Indian bill of rights" plan which would make drastic changes in the way Canada now treats her Indians has been prepared by a university of British Columbia research team for the federal government.

Now, I believe it was during the regime of the federal government when this was projected.

It rejects many of the methods the federal government now uses to administer the Indians, criticizing them as "a myth of paternalism 50 years out of date". The 1,000-page report took two years to prepare by a 20-man research team under anthropologist Dr. Harry Hawthorne. It was commissioned by the Indian affairs branch and paid for by the federal government, but so far has not been released in Ottawa. Dr. Hawthorne said Friday in an interview that at the time it was commissioned the report was intended to serve as a pilot plan for the future of Indians across Canada. He said, however, he cannot say whether this is still the government's intention.

If this final pilot plan is an acceptable policy for all Indians across Canada, we find that it is not going to serve the people of Canada right across the dominion. Our geographical position, our way of making a living, differs in each province and territory, and if an Indian act is made, or any recommendation or legislation is made, then the one Indian Act that will be made will not help the Indians living in the different areas. I think that is the way we see it, and I believe that is what will happen.

The research work begun in 1954 was confined to British Columbia's 30,000 Indians. Recommendations include:

The present "enfranchisement" system should be abandoned as failure;

All Indians should get the federal vote and qualify for provincial votes in the same way as whites;

Now here comes the touchy article:

Indians should pay no federal taxes, but pay provincial taxes no matter where they live;

That is quite true under the treaties. Indians are exempt from taxation, and I believe that while I was on the committee there was a letter sent from the government, the committee of the provincial government, asking this government to take a similar survey in Saskatchewan. So that is another reason why, after studying the letter that was sent in for this commission to be appointed, we were very much alarmed.

Agency councils of Indians should gradually take over administration of Indian affairs.

That is not so bad. We quite agree that an Indian is capable of holding the position as an Indian agent. That would serve the Indians a lot better than at the present time. When I say "a lot better" I am not criticizing the present officials we have. We have some good men and we have others different to being good men.

Indian band councils should gradually take over local authorities, with the right to levy taxes, and get the provincial subsidies the same as whites;

Under treaties we are exempt from taxation I believe that in the last call for Indians to make representations, Mr. Glenn had a nine-point reference, and the first reference was to Indians and their treaties and the question was as to whether Indians should be made to pay taxes. Now, with our economic conditions as they are, it is very difficult for us to make a living as it is, without having to pay taxes.

They should gradually be amalgamated with local authorities of the neighbouring white villages;

This item should be given a lot of thought. The present provincial government today, I believe, according to what we have heard, passed a resolution in the provincial house asking the federal government to transfer the jurisdiction of Indian administration to the province of Saskatchewan. It was also stated in the federation's brief, I believe, that Indians should pay taxes. No, I might be corrected on that. If the reserves were incorporated, it says. I believe that in one of their resolutions they want Indian lands to be incorporated. In what? Is it into the municipality? If that happens, will we be required to pay taxes? That is a thing of which we are very much afraid.

Paternalism should be abolished. Indians should have the same drinking rights as whites and there should be special policing of the reserves.

Since we have had the privilege of drinking we have had no protection from the mounted police. According to news reports, needless to say there is an evil effect, and this has brought a lot of misery to our Indian reservations without proper police protection.

Anybody, white or Indian, should be allowed to live on reserves.

That is another big item which should be deeply considered. According to the treaty, the reserves were set aside especially for Indians. If they are used by whites, eventually we will have to live with white people, and if our reserves are not capable of maintaining the Indians, as far as their economic situation is concerned, I do not see where it is going to better the condition of Indians living on reserves with white men living side by side.

Reserves will stay indefinitely, but severe modification, aimed at encouraging more Indians to leave them.

In what way? That is the question to be answered.

Now, gentlemen, I wish to present to you the preamble to our brief:

Whereas:

The Qu'Appelle advisory council independent be recognized as the guiding body, and whereas being duly appointed by band vote and elected to represent said band of Indians, that therefore by this delegation of authority shall be recognized as duly representative of said bands and that the advisory council of chiefs independent act on behalf of their respective bands,

Today, gentlemen, we are acting only for our respective band. But wherever we may lend assistance to the committee and assistance to the Indian people as far as their economic and social status is concerned, we will be only too happy to do so for them.

to advise the federal government; the necessary precedence by treaty to arrive at a proper knowledge and understanding of those bands so represented, for the retention of treaty rights and obligation thereof as contained in the Qu'Appelle Indian treaty of 1874.

And whereas:

This advisory council is organized to promote leadership at the community level in promoting progress and general welfare of the Indians concerned.

We also have the constitutional rights from the Atlantic charter. These give us the following freedoms:

1. Freedom of peaceful assembly.
2. Freedom of speech and of free expression.
3. Freedom of conscience and religious worship.
4. Equalities of opportunities to all.
5. Protection of minorities.

No. 1. Gives the right to assemble or to gather in one place, such as calling a meeting of Indians for the purpose of peaceful discussion of their problems or anything pertaining to the Indian administration of their treaties.

No. 2. Gives us the right to freely express our disapproval, if the supervision or administration is necessarily severe, also to protest if any part of our treaty is violated.

No. 3. Gives us the right to our religious beliefs, also the right to protest if any one is prosecuted for exercising or performing a ritual according to his religion and protects all from being forced to accept a religion he did not want.

No. 4. Give us the right in pursuit of happiness, some opportunities other races enjoy. To raise our families at home, schools in our reserves according to our treaty, proper education and thorough training for our children, not to be harassed by fear.

No. 5. Our constitution protects minorities. This applies to the native population more than any other race, one to the vast majority of the Indians being totally illiterate and being in a greater minority than any other race, it is the duty of the government to protect them from exploitation, suppression and oppression.

Now, before I go on with the brief we have some extracts from our treaty which also form the basis of our brief.

In the treaty book at page 285 you will find these words:

In the first place that the provisions of these treaties must be carried out with the utmost good faith and the nicest exactness.

Then on page 72:

The ear of the Queen's government will always be open to hear the complaints of her Indian people, and she will deal with her servants that do not do their duty in a proper manner.

I will reiterate the privilege that we have in presenting our problems to the government that had made treaty with us. We assert that it was the Conservative government that made the treaty under the leadership of John A. Macdonald.

Then on page 296 of the treaty there is this quotation:

Let us have a wise and paternal government faithfully carrying out the provisions of our treaties and doing its utmost to help and elevate the Indian population.

Then on page 28:

But the Queen, though she may think good for you to adopt civilized habits, she has no idea of compelling you to do so; this she leaves to your choice and you need not live like the white man unless you can be persuaded to do so of your own free will.

There is the question of the vote which has been extended to the Indian people, giving the privilege of the use of liquor along with the vote. The use of liquor is causing a lot of trouble amongst the Indians. It may so happen that through the influence of liquor when an election comes around we may be imbued so much with liquor that we would not know how to vote and would not be using the right to vote intelligently. That gave us a free choice to live like the white man but that we do not have to live like the white man. We hear a lot about racial discrimination. Are the people prepared to accept the Indian? That is a matter of choice which has to be made by people living with us wherever we may be. Without proper education and without its being put to its best use we might do something that would be distasteful to our neighbour. With the proper education and understanding of these things we may be able to be an asset to the community in which we live.

Again, from page 285 of the treaty book we quote the following:

An abiding confidence in the governments of the Queen, or the great mother as they style her. This must not, at all hazards, be shaken. It can be easily and fully maintained.

Then on page 125:

Each band must have a chief and four headmen.

On page 120:

Qu'Appelle treaty No. 4 also accepts same terms as treaty No. 3 or north-west angle treaty. Chief Mane-do-pe-nais was chief speaker for No. 3. Chief Loud Voice for No. 4.

Then, a conversation took place and, at page 286 of the treaty book, this was said:

The payment of an annual salary of \$25 to each chief, and of \$15 to each councillor or headman of a chief, thus making them in a sense officers of the Crown.

Now, if each item is considered and thought over: they hold a lot of meaning.

Then, at page 69—and this is the chief speaking:

If you should get into trouble with the nations, I do not wish to walk out and expose my young men to aid you in any of your wars.

Then, the Queen speaks, through her governor:

The English never call Indians out of their country to fight their battles. You are living here, and the Queen expects you to live at peace with the white man and your red brothers and with other nations.

At page 333:

Further, Her Majesty agrees to maintain a school on the reserve allotted to each band, as soon as they settle on said reserve and are prepared for a teacher.

At page 292:

The treaties provide for the establishment of schools on the reserves, for the instruction of the Indian children. This is a very important feature and is deserving of being pressed with the utmost energy.

Page 96:

And, the promises we make will be carried out as long as the sun shines above and the water flows in the ocean.

We will go on now with the brief. Before I start reading this brief, I would like to submit that this is purely an Indian idea. It is not like the federation of Saskatchewan brief. You might have heard the presentations. I believe Mr. Watanese is an Indian by colour; however, he holds the status of a white man. Mr. Sturdy also spoke. The president of that association said that their brief was in the making for a number of years, beginning in 1958. It was then that we decided that we would not take membership in the federation of Saskatchewan Indians.

It is now my pleasure, gentlemen, to present to you our brief.

The JOINT CHAIRMAN (*Mr. Grenier*): Chief Gambler, had we not agreed that we would go through the brief without reading it, and members of the committee could ask you questions, starting with page 1? I might say that each member of the committee has a copy of your brief.

Are there any questions?

The JOINT CHAIRMAN (*Senator Gladstone*): There is only one question I would like to ask, if I may do so. You are independent of any organization in Saskatchewan?

Chief GAMBLER: Yes.

Mr. BADANAI: Mr. Chairman, I would like to ask a question. How many people are involved in these six reserves?

Chief GAMBLER: Perhaps I should say, Mr. Chairman, about 5,000 or 6,000.

Chief STARR: I have 300 in mine.

Chief GAMBLER: I have close to 200 but I would point out, Mr. Chairman, that there are eight reserves which took membership with us in our organization.

Senator MACDONALD: What do you say is the total population on the reserve?

Chief GAMBLER: We are just figuring that out. On one count here we have about 600, but there are just three of us from our reserve and eight reserves took membership in our organization, that is, the Qu'Appelle agency.

The JOINT CHAIRMAN (*Mr. Grenier*): There are about 6,000 in all?

Chief GAMBLER: It is hardly that. I would cut that down to 3,000 or 2,000.

The JOINT CHAIRMAN (*Mr. Grenier*): Do members wish to ask any more questions on page one?

Mr. GUNDLOCK: Mr. Chairman, I have one question with regard to education which is dealt with in page three of the brief. You have mentioned that under the terms in the treaty a school and a teacher would be provided. Is that not the case within your organization?

The JOINT CHAIRMAN (*Mr. Grenier*): I did not quite catch that. Would you speak a little louder?

Mr. GUNDLOCK: In quoting the treaty agreements it is stated that the Queen said there would be a school teacher provided in each reserve. Is that not now the case?

Chief GAMBLER: No, it is the case right now. I believe the federal government is seeing to this.

The JOINT CHAIRMAN (*Mr. Grenier*): Then that part of the treaty is respected?

Chief GAMBLER: Yes, that is right, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): Now, on page five, there is the liquor question.

The JOINT CHAIRMAN (*Senator Gladstone*): That is on page four.

The JOINT CHAIRMAN (*Mr. Grenier*): It is on pages four and five.

Mr. GUNDLOCK: I have just a short question. Does the liquor problem concern this group in the same way as the former brief? In other words, is it a provincial problem? Is there anything we can do as a federal body?

The JOINT CHAIRMAN (*Mr. Grenier*): Do you feel the federal government could do something so far as the application of the liquor law is concerned in your province?

Chief GAMBLER: Well, it was an obligation of the dominion government to protect the Indians and to uphold the treaties that were given to them. The federal government were to be the guardians of the treaties. According to the treaty about which we are concerned, it says that at some future date the government would decide to give liquor rights to the Indians and the question we put to the government today is: what made them decide to give the Indians the liquor?

Mr. GUNDLOCK: In effect then is it their thinking that the liquor law jurisdiction is under the provincial law, or do they feel that the federal government has gone beyond the treaty agreements?

Chief GAMBLER: I think so, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): In other words, you feel that under the treaty the federal government was supposed to protect Indian reserves from liquor? That is the way you feel about it?

The JOINT CHAIRMAN (*Senator Gladstone*): May I say a word on that? I support Colonel Jones on his suggestion that there should be a special committee dealing with all treaties, because different treaties did not specifically refer to total prohibition on this matter. They are all different on the aspect of liquor. Soon after my appointment to this very important position I am holding, I visited several reserves and I went to one reserve which was called the Poorman reserve. They were very reluctant there to say anything to me. I told them I wanted to listen to them, and I had nothing much to say to them except to introduce myself, but they were very shy. Finally I walked down and I sat by an old fellow who looked a lot older than me. I asked him how old he was when treaty No. 6 was signed. He said he was nine or ten. I asked him what the Queen said in regard to their rights to liquor, and he said: I was a young fellow but my parents told me the Queen says she will not allow us to drink any liquor until we Indians quit killing one another, and after we quit killing one another she will let us have it. The old Indian said to me: I am 95 years old and I am still waiting for the Queen to give me permission to drink. That is his story. I thought it would be an interesting thing to tell this committee.

The JOINT CHAIRMAN (*Mr. Grenier*): The next matter on page 5: the voting right.

Mr. GUNDLOCK: I want to ask, Mr Chairman, whether the witness thinks the voting privileges and liquor rights are almost the same thing. To me they are separate things altogether. I would like to have that established. Do you feel that voting privileges and any liquor regulations coincide? By that I mean if the voting privilege is extended, do you think automatically liquor privileges are extended? That is not my interpretation.

Chief GAMBLER: No, we know those questions come in two categories.

The JOINT CHAIRMAN (*Mr. Grenier*): You had made a statement, I believe, when you were giving your evidence, that the right of vote was given to the Indians along with the right to have liquor. This is not what you believe?

Chief GAMBLER: We do not believe that, but still, at the same time, the question was defeated when it was brought up at the conference, at the first meeting, and when this had a one-year study and review of their proposal it was flatly turned down by our group. I believe we have forwarded a letter to the minister and we gave our reasons. By the way, I have the copy of that letter with me.

Mr. CHARLTON: I wonder if Chief Gambler could correct me on that, but I may have got a wrong impression from something he said a few moments ago in his brief outline at the start. I had more or less the impression he was saying that now that the liquor is given by the province—not on the reservation but by the province—that it was difficult for them to maintain any law and order regarding liquor laws on the reservation. Would he clarify that point for me?

Chief GAMBLER: I said, Mr. Chairman, since this privilege of the use of liquor was given to the Indians, there was no law and order on the reservation.

Mr. CHARLTON: Is it not a fact, Chief Gambler, that of course the provincial authorities have the policing of the liquor laws? Is there any intimation to you or your people that the R.C.M.P., who are supposed to be carrying out the law of the province in Saskatchewan, has been in any way told or given to believe that they are not supposed to go on the reservation and arrest anybody for having liquor on the reservation?

Chief GAMBLER: Not on my reservation.

Chief THOMPSON: In our reserves we have a lot of trouble with this liquor problem. We have a detachment about 21 miles away. When there is trouble and I go out and phone the police, they never come until after one or two days have passed. After all the trouble is over, the police come along. That is something to which we are objecting.

Mr. CHARLTON: What you are saying is that you cannot get any policing on your reservation, having regard to the liquor laws, is that it?

Chief THOMPSON: That is right.

The JOINT CHAIRMAN (*Senator Gladstone*): Is the province of Saskatchewan under the provincial police or under the R.C.M.P.?

Chief THOMPSON: Under the Royal Canadian Mounted Police.

Mr. GUNDLOCK: I am not too clear about that. My impression is that there is no connection whatever between the voting privilege and the liquor laws. As far as I am concerned, I would like to have that clearly understood. Actually, there is no connection whatever between voting and certain liquor law privileges.

Senator MACDONALD: That is my impression, also.

Mr. GUNDLOCK: Furthermore, the liquor law being under the jurisdiction of the province, do you feel that your treaties have been misused, that is, that the federal government is supposed to protect you from the liquor law but now has turned it over to the province under the B.N.A. Act, and your treaties have not been lived up to?

Chief GAMBLER: I would say yes. It is the responsibility of the dominion government to protect the Indians. We might see if it is agreed by my colleagues here in regard to this right to drink. As we understand it—and I want to be corrected by them—it is just a matter of privilege which is given to the Indians. We do not intend to stand in the way of any individual in his use of that privilege. If he uses it properly and provided he knows how to handle his liquor it is one thing; it is entirely his own business if he happens to run foul of the law. That is the way it was before we had it and I believe that is stressed in the brief.

Mr. GUNDLOCK: It is in no way connected with the voting privilege.

Chief GAMBLER: I would say no; it is a separate class.

The JOINT CHAIRMAN (*Senator Gladstone*): Before you had the privilege of the province allowing you to drink, what was the situation in regard to the control of Indians drinking? Is it worse now or was it just as bad before you had access to liquor?

Chief GAMBLER: I would say it is worse now. Before they were given the right to drink they had whatever they could sneak across. I think that matter is mentioned in the brief. I think the brief will take care of that.

Mr. CHARLTON: There still seems to be some misunderstanding here. It seems that the witness thinks that in some way or other we are responsible for the liquor laws. Now, this is purely a provincial matter. It is left within the purview of the band to decide whether they want liquor on the reservation or not. The chance to vote is given to you by the federal authority; but the liquor laws are provincial laws governed by the provincial police. They are governed by the R.C.M.P., I understand, in Saskatchewan. It is up to them to maintain law and order in so far as liquor is concerned.

It has nothing to do with the federal government whatsoever, as I understand it. Now, it is up to the provincial government to police liquor laws on the reservation. That is, when they have allowed you to have liquor off the reservation, and you want it on your reservation. If you have voted for liquor you have to take the consequences as far as liquor on the reservation is concerned, but if you have not voted for liquor on your reservation, then you have to go to the police and say: "We want to have this thing policed on the reservation". That is as I see it.

The JOINT CHAIRMAN (*Mr. Grenier*): I believe we shall now call it six o'clock. These witnesses will return tomorrow morning at 9.30 o'clock to this same room.

EVIDENCE

THURSDAY, April 27, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Gentlemen, we have a quorum and the meeting will come to order. First, I should like to announce that after this meeting we will hold a meeting of the steering committee which was supposed to have been held yesterday. When we adjourned last night after 6.00 p.m. we had Chief Gambler giving evidence, and the last question put to him was about liquor. Have members of the committee, any questions to ask him on that subject this morning?

Senator MACDONALD: May I say that this group here were just discussing that subject, before you mentioned it?

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions to be put to Chief Gambler on the matter of liquor?

Senator MACDONALD: I wonder has Chief Gambler developed any new ideas on the subject since we rose yesterday evening?

Chief JOHN GAMBLER (*Qu'Appelle Indian Advisory Counsel of Chiefs Independent*): As a matter of courtesy, I rise to wish you all a good morning. Now, may I sit down to answer the questions?

The JOINT CHAIRMAN (*Mr. Grenier*): Certainly.

Chief GAMBLER: Yesterday evening questions were put to me about liquor and voting rights and I believe I tried to show that these fell into two separate categories. Also, we were questioned as to whether the responsibility rested with the provincial government or the federal government. We go along with the idea that the extension of liquor rights to the Indians becomes the responsibility of the provincial government. I believe that is the best way I could answer the question.

The JOINT CHAIRMAN (*Mr. Grenier*): Voting rights are the next matter mentioned in the brief on page 5. Have members of the committee any questions they would like to ask Chief Gambler, Chief Thompson or Chief Starr?

Mr. McQUILLAN: Do you feel that this should not apply to all Indians?

Chief GAMBLER: Mr. Chairman, I did not quite get the question.

The JOINT CHAIRMAN (*Mr. Grenier*): Would you repeat your question, Mr. McQuillan?

Mr. McQUILLAN: Do you feel voting rights should not be extended to any Indians across Canada?

Chief GAMBLER: We can only speak for our own group. We have considered this question very deeply and, in fact, we have submitted a letter to the Minister of Indian Affairs, and also to the provincial government, opposing the extension of the vote to the group we represent.

Mr. BADANAI: May I ask, on what grounds do you object to the franchise?

Chief GAMBLER: We object on the grounds that the vote will eventually lead to or end up with fully fledged citizenship and, if the Indian is not ready to accept the franchise and assimilate the Canadian way of life, and if he is not well versed in politics, then the vote will not be an asset to the community in which he lives, or an asset to himself.

Miss LAMARSH: Is it the witness's belief that by taking the right to vote the Indian will lose special privileges under the treaties? Is that the real reason why you do not want the vote?

Chief GAMBLER: I do not understand.

The JOINT CHAIRMAN (*Mr. Grenier*): The lady has asked if the reason you do not want the vote is that you feel you will lose some of your rights under the treaties?

Chief GAMBLER: Yes, Mr. Chairman. As I said, we feel it will eventually end up with fully fledged citizenship. I believe that all immigrants coming into the country have to take an oath of allegiance and, if we accept voting rights then I do not think there will be any difference so far as legislation is concerned. If the Indian becomes a fully fledged citizen then, naturally, he loses his status as an Indian. That, I may say, was not mentioned in the treaties that were made with the crown.

Mr. FANE: I would like to ask the witness if he does not think that full-fledged citizenship in his own native country is a good thing? Why do you oppose it? I have several other questions to follow.

Chief GAMBLER: We do not argue with the question. As I said earlier, if the Indian is properly educated so far as politics is concerned, he will be able to use his own intelligence, and it will be put in its proper perspective.

Mr. FANE: I have found the Indian people very intelligent; I have quite a number of them in my own constituency who have the vote, in view of the fact that they have seen active service in the defence of this country. The way these Indians reason it out is that the more they are exposed to citizenship, the sooner they will be able to take their proper place in their own country and have some say in the running of it. It is also their feeling that if they keep this segregated from the affairs of their country they never will be able to take their proper place in it. I know a great many of my people out west feel that way about it. How do you feel about it, Chief?

Chief GAMBLER: Mr. Chairman, I will say that we have no quarrel with the vote as far as the veterans of the last two wars are concerned. They were given the right to vote, and used it. An order was given to that effect. However, again I will say that education is the \$64 question, in so far as using the vote to advantage is concerned.

Mr. FANE: Is the education that is being made available on the reserve not offered with a view to educating the people so that they will be in a position to take their proper place in the affairs of their own country?

Chief GAMBLER: I will say yes to that, Mr. Chairman. I believe we are proceeding in that direction. It is my hope that eventually the Indian will be given sufficient education to enable him to take his place in the Canadian way of life.

Mr. FANE: Once more I would like to say that it is my feeling that the more obstacles that are put in the way of attaining this goal, the more delay there is and the further away the Indian people as a whole are getting from being able to take their proper place in the affairs of their own country.

Chief GAMBLER: Mr. Chairman, I will answer the question this way. We are not against the vote for those who are educated. We leave that to the choice of the individual. However, we do not want the vote to be applied to the Indian by mass groups. We feel that the matter of decision is an individual one in nature, and I believe it should be left with the individual.

Mr. FANE: Thank you very much. I will leave it at that.

The JOINT CHAIRMAN (*Mr. Grenier*): The next matter is set forth at page 6. It concerns medical care for the Indians.

Are there any questions which members of the committee would like to ask Chief Gambler on this subject?

Mr. BADANAI: Have you any complaints in connection with the medicine chest? Are they not kept now in the Indian agent's office or premises?

Chief GAMBLER: As far as we know, Mr. Chairman, they have dispensed with that service of keeping medicines at the agency. We just happen to be fortunate enough to have our own Indian hospital right next door, you might say, and I believe it was for that purpose the medicine chest was dispensed with. They used the cupboards in the office of the agency for first aid. This was made use of until the doctors arrived.

Mr. FANE: Of course, at the time this treaty was made they did not have facilities for keeping the health of their people up to standard, the way they do now. The medicine chest is an historic way of saying "medical facilities". Is it not a fact that in every reserve there is a health nurse available at all times from the department of Indian affairs? I know there is a nurse from the department of Indian affairs on the reserve in my constituency.

Chief GAMBLER: Mr. Chairman, I would like to say that it is my belief that the hospital services staff are doing their best to accommodate the needs of the Indians as far as medical attention is concerned, and I cannot say too much for them. However, every now and then we do lock horns—if I might use that statement. We do disagree on certain things. But I feel we are getting good service.

Mr. FANE: If the expression "medicine chest" is translated or used a little too literally, it would not be very much use in times like these.

The JOINT CHAIRMAN (*Mr. Grenier*): I believe if you read the brief you will see that they refer to an interpretation given by the Exchequer Court of Canada in one case. The term "medicine chest" was interpreted to be understood as all medical care.

In other words, you are satisfied?

Chief GAMBLER: At the present time, yes; but I would add that we can always hope for improvements.

The JOINT CHAIRMAN (*Mr. Grenier*): Would you point out to the committee some of the improvements you would like to have.

Chief GAMBLER: According to the economic position of the Indians at the present time they are not always able to convey their sick to the hospital. As a matter of fact on my own reserve we happen to be more lucky than many of the reserves in our area. We are able to budget a certain amount of money annually for the transportation of our sick to the hospital. Again it is just our good luck that we do not live too far away from the hospital. There are other cases however where they have not been able to provide this for themselves, and I think that if this was taken into consideration ways and means could be found to improve the facilities to enable the Indians to get the service they actually need.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions on this subject?

The next subject is taxation on page 8.

Senator HORNER: Mr. Chairman, I would like to revert to the matter of the hospital. I believe some of the chief's people could enlighten the doctors of Canada and give them some very useful information about creating fever. They speak of conveying the sick to the hospital. At the Qu'Appelle hospital they sometimes take in children having a fever of 104 or 105 and the next morning the fever is all gone. The doctors there cannot figure it out. The children do not have any disease at all; they have been given something, apparently, to raise the fever so that they would be classified as sick. Sometimes the doctors find that the parents have gone to the stampede in Regina

and the hospital is acting as a baby sitter for the children until they return. It would be valuable information for us to have, if they would let us know the secret.

Chief THOMPSON: I did not quite catch the question.

Senator HORNER: I am referring to this matter of children being taken to the hospital with a high fever and then in the morning they are fine and have nothing wrong with them whatever. A son of mine was down at the hospital there and the doctors said they could not understand it, but that evidently it was something the children had been given to raise their fever so that they would be admitted to the hospital. In many cases they found that the parents were not there the following morning to receive the children. There was nothing wrong with the children at all, except that they had this fever. There are certain diseases which doctors have to treat when sometimes it is necessary to raise a fever.

Chief THOMPSON: I think the Indian people love our children just as much as any other people. I do not think we would want to give our children anything to make them sick.

Senator HORNER: Apparently it does not hurt them at all but it does raise their fever.

Chief THOMPSON: We have a lot of troubles of our own, and this is the first time I heard a remark of this kind. We have no ambulances and no money to hire cars, and we have about fifty miles to go from my reserve to the hospital.

Senator HORNER: The amazing thing is that apparently it does not injure them. However, they do have this very high fever when they are brought in.

Chief THOMPSON: I do not think we are educated enough to learn anything of that sort.

Senator HORNER: I believe they do have certain knowledge, and have had for many years, about certain herbs about which perhaps we do not know anything.

Chief THOMPSON: I have been an Indian all my life and I know nothing about the herbs.

Senator HORNER: There is the story of the man who was dying of pneumonia. An Indian woman went out into the woods and gathered up a bunch of roots. She took the little black spot out of the roots and put it with some water in a pail and said, lie down, cover up and drink this and you will get big heat and will be all right. It worked and he was all right.

Chief THOMPSON: This is something new I have learned from a white man anyway.

The JOINT CHAIRMAN (*Senator Gladstone*): I do not think that an Indian who treats another person with herbs does it in order to have a person get a fever so that he can go to the hospital. They do it to create a sweat. Sometimes Indians have a sweat bath and the perspiration takes the fever away. This matter of an Indian creating a fever so that he would have an excuse to go to the hospital is something new to me.

Senator HORNER: That is the information I have. I am only sorry that there is not a doctor from the hospital here. The information I have is that is practised there to a considerable extent.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject is taxation, on page 8.

Miss LAMARSH: Is the provincial gasoline tax the only type of taxation about which the chief complains?

Chief GAMBLER: Mr. Chairman, I am sorry I will have to ask that the question be repeated, as I am a little hard of hearing.

Miss LAMARSH: Is the provincial gasoline tax the only type of taxation of which you complain?

Chief GAMBLER: If I understand the question correctly, I believe the brief will speak for us on that matter. We feel that since we have entered into a treaty with the crown we are exempt from direct taxation.

Senator MACDONALD: In my province I understand that the farmers are exempt a certain amount on the gasoline for the farm. This is provincial affair. I believe you are from Saskatchewan?

Chief GAMBLER: Yes.

Senator MACDONALD: Is there an exemption on your farm gasoline?

Chief GAMBLER: Not that I know of.

Senator HORNER: The gasoline used on the farm is somewhat cheaper.

Chief THOMPSON: Farm fuel is cheaper than other gas.

Miss LAMARSH: What is the tax-free gas to which the brief refers, if it is not fuel to be used on the farm?

Senator HORNER: There is the purple gas you buy for use on the farm and for which you pay less than other gas.

Chief GAMBLER: Certain provinces do not levy a tax on farm fuel.

Mr. KORCHINSKI: There is the purple gas used for farm tractors and equipment, and then there is the different grade of gas such as the red gas on which there is a tax. Is it your request that the gas you use in your cars should be tax-free?

Chief GAMBLER: Yes; it would be a great advantage to the Indian people if we would get that.

Mr. KORCHINSKI: Are you exempt from the education and hospitalization tax?

Chief GAMBLER: At the present time we are not paying it individually, but I believe the federation of Saskatchewan Indians is prepared to accept that tax at some future date. I should say again that we are not members of the federation of Saskatchewan Indians.

Miss LAMARSH: What if any direct taxes are now paid by your band?

Chief GAMBLER: We pay the tax on gasoline for our automobiles I presume. We do not know the regulation regarding this tax. In any event we pay the same amount per gallon as any other person.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other direct taxes which you pay?

Chief THOMPSON: Not right at the present. There is a clipping we have here which says that it is more or less compulsory for the northern Indians to pay the hospitalization tax. We feel that in time that will eventually come to the southern region.

Mr. CHARLTON: Would it not be fair to say that the Indian people pay all taxes except income tax on monies earned on the reservation and a land tax on the reservation?

Miss LAMARSH: I asked about direct taxation. I take it they pay no direct taxes, but do pay the indirect taxes which every Canadian pays.

Mr. HOWARD: I believe Mr. Charlton has stated it correctly. As I understand it an Indian pays every tax which I or anyone else pays except on income received from the use of reserve lands or a land tax on the reserve, unless the band council institutes such a tax itself. They pay income tax on money which they earn outside of the reserve, just the same as anybody else.

They are only exempted in so far as the use of reserve land is concerned, subject, of course, to the band council imposing a land tax for band purposes. Is that not correct?

Chief GAMBLER: Yes, that is correct.

Mr. KORCHINSKI: They are exempt from the hospitalization tax, I mean the sales tax.

The JOINT CHAIRMAN (*Mr. Grenier*): Are you exempt from that tax at the present time?

Chief GAMBLER: Yes.

Mr. KORCHINSKI: That is the very point. They do get that exemption.

The JOINT CHAIRMAN (*Mr. Grenier*): Now I believe we go to page ten, the recommendations of the band, in so far as amendments to the Indian Act are concerned. Let us start on page ten with the amendments suggested to the Indian Act by the File Hills Qu'Appelle Indian band, and let us proceed according to sections. Are there any questions on section one?

Senator MACDONALD: I wonder if it would not be better if each section were read out, just to make it a little clearer.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, we can read them out.

Senator MACDONALD: I make the suggestion because some of the members of the committee do not have copies of the brief.

The JOINT CHAIRMAN (*Mr. Grenier*): I understand that a copy of the brief was sent to each member of the committee.

The first section reads as follows:

Section 1. This act may be cited as the Indian Act respecting Indians and their treaties. (It is the feeling of the undersigned that there should be a separate Indian Act for treaty Indians, and if necessary a second Indian Act in order to deal with matters pertaining to non-treaty Indians).

The next item is section 2, and it reads as follows:

Section 2. That clause 1(c) be deleted and the following substituted therefor: "Council of the Band" means a council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band.

Mr. HOWARD: Might I inquire generally as to whether these suggested changes are proposals in so far as treaty Indians are concerned? Is this your thought: that they would be proposals in so far as treaty Indians are concerned, or would they apply also to what you consider as non-treaty Indians?

Chief GAMBLER: We are speaking for ourselves and our own group. We find that a change in the elective system is something which does not meet with the approval of our people in general, because they do not understand what the difference is between the two systems of government, that is, elected for the people, due to the fact that a lot of the band people do not understand the rules and regulations regarding it; that is, the new system of elections of council on a reserve.

Mr. HOWARD: I wonder what your thought would be in so far as the band would desire to have the elective system?

Chief GAMBLER: I believe in my own case, we had quite a row about that section, with the department. I do not believe we were given a fair hearing, or that they considered my protest on the matter, disputing the new elective system. However, the transcript of that argument on this point, I believe, is recorded in the Indian office, and if members of the committee wish to have a

copy of it, I believe they would be able to get it. So it would explain in itself, as to why we opposed it.

Senator HORNER: You are speaking of what particular section now?

The JOINT CHAIRMAN (*Mr. Grenier*): The manner of electing chiefs. When was the protest made?

Chief GAMBLER: I believe it was made in the year 1954. And I might say, to enlarge on that a little bit more, that it may be a point that could be considered quite deeply by the committee now.

Let us take it this way by way of illustration: that we, the present chiefs, sitting before you, will hold office for a term of two years.

But after all our hard work in trying to do something that will best serve our people, and alleviate many of the troubles to the best of our ability—all our hard work may be rendered null and void after the next election depending on what council is elected.

Miss LAMARSH: Some of us have the same trouble, Chief Gambler.

Chief GAMBLER: So that is what we feel about it. However, it is the choice of the people by bands, and if they so want it, then it is up to them.

Senator HORNER: You do not mean to say that they would upset all you have done instead of carrying on? Surely the band would not stand for that. If you have accomplished good work, then the newly elected chief surely would not be allowed to disrupt or discontinue your program, would he?

Chief GAMBLER: Well, I have always hoped that that is the way the people would see it. But to illustrate my case, let me say I have only lost one election. I have been fortunate enough to get back. But a lot happened during the time I was absent from office or did not hold that position.

We had a lot of money. I had always reserved this money for the purpose of keeping it as a fund, knowing that it represented land which was sold. We had accumulated this fund from that source, so that in the event that my people should become over-populated and could not get any more land, we would be able to use this money by converting it back into buying some more land for our Indian people. That was my purpose.

But during the time of my absence from office, during those years, a lot of our capital funds, were spent, to the extent that the fund was depleted to a great degree. So we would have to be reimbursed in the capital account for the monies that have gone out of it.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any more questions on section two; if not, let us go to section three at the bottom of page 11.

Mr. HOWARD: I have one or two sub-items under section two that I would like to deal with. The suggestion is that we substitute the Department of the Secretary of State for the Department of Citizenship and Immigration. What would be your thoughts if there were to be a separate department of Indian affairs with a separate minister of Indian affairs?

Chief GAMBLER: I do not quite understand your question, but I shall try to answer it this way: I believe that if the responsibility rested with this department that we have mentioned, that we wish to be the department responsible to the Indians, that is, the Department of the Secretary of State for Canada, that this department would take care of and abide by the contract which was made with the Indians, and that we would get protection from having our lands disintegrated by legislation, whether it be federal or provincial. I believe thereby the true meaning of the treaty would be carried out and fulfilled.

Mr. SMALL: It has been suggested by several deputations here that they would like to have a minister for Indian affairs removed from any other

department, so that he could give his whole attention to it. Is that what you are getting at?

Of course the Secretary of State for the whole Dominion of Canada has to look after the whole dominion. But the suggestion has been made that there be a separate minister with nothing else to look after except Indian affairs. Is that what you are getting at?

Chief GAMBLER: Not exactly, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): Not according to the brief.

Chief GAMBLER: No, I did not mean that.

The JOINT CHAIRMAN (*Mr. Grenier*): Section three of the brief reads as follows:

Section 3. That section 3, subsection (1) be amended to substitute in place of the Minister of Citizenship and Immigration the Secretary of State for Canada. That section 3, subsection (2) be amended to restrict the delegation of authority to the man not in any case below the head man in charge of the regional office, and that the necessary change from deputy minister of Citizenship and Immigration read deputy secretary of state for Canada.

Chief GAMBLER: I wonder how that question should be answered. We say that we would like to be under the Department of the Secretary of State for Canada. We are treaty Indians, and we would like to have our treaties observed according to their letter and spirit. But I am not saying that the other departments may not do as good a job in retaining for us the use of our land, or in preventing our land from exploitation or anything of that sort.

The JOINT CHAIRMAN (*Mr. Grenier*): Do you feel you would be more protected under the Secretary of State of Canada?

Chief GAMBLER: Yes, we do, Mr. Chairman.

Senator MACDONALD: Though I may be a little bit stupid, personally I cannot see where it would make any difference. As I understand it, Indian affairs is a separate organization which comes under the jurisdiction of the Minister of Citizenship and Immigration. The department of Indian affairs has been issued a directive stating it is responsible to that minister, and I cannot see how you would gain one iota by transferring it to the Secretary of State. I might go arm in arm with you if you demanded a full-time minister of Indian affairs.

The JOINT CHAIRMAN (*Mr. Grenier*): That is not what you have told us, Chief Gambler. You feel you would be more protected under the Secretary of State?

Chief GAMBLER: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): I think that takes care of sections 2 and 3 and we shall now go on to section 4, on page 12 of the brief. It states:

That subsection 3 be amended to remove from the control of the department all limitation over the extent of education of Indians. (The treaties provided for education, and it would not be in compliance therewith that the governor in council should be in a position to limit this education.)

Are there any questions on this?

Mr. McQUILLAN: To what limitations does the brief refer?

Chief GAMBLER: We are recommending that the government remove all limitations governing the extension of education to Indians from the control of the department. As we see it, there is a clause in the Indian Act dealing

with the problem of different religions. For instance, if I am a Protestant and a school outside my faith is doing a better job in educating Indians, I am not permitted to enter my children in that school. This has also worked the other way with people who embrace other faiths. So far as the treaty is concerned, it is adequate enough to give us all the education our young people can absorb. When we read the clause the other day we said we were promised schools, staffed with teachers. It was stated we would be taught the cunning of the white man and all his education, but we would not have to live like the white man unless we could be persuaded to do so. It is a matter of choice, resting with the individual.

Mr. FANE: Do I understand the witness to say he would prefer to have education handled by religious groups rather than by the provincial authorities?

Chief GAMBLER: Mr. Chairman, we are not suggesting any particular department or any particular board to handle our education. We are only too willing to accept anything that will further the education of our Indian people.

Senator HORNER: Would you prefer these schools to be entirely non-religious, with religion being taught in them after hours, and on Saturdays and Sundays? I am talking about a public school for all the children.

Chief GAMBLER: I would say yes, Mr. Chairman, definitely.

Senator HORNER: That is my idea too.

The JOINT CHAIRMAN (*Mr. Grenier*): The next portion of the brief deals with sections 5, 6 and 7, sections 9 to 12 and sections 13 to 17. The purpose of the suggested amendments is to remove all reference to general lists. Will you tell the committee what exactly this means?

Chief GAMBLER: Here again I take my point from the Hawthorn report. If that report is to be used as a pilot plan for the Indian people in administering the policy as recommended by Dr. Hawthorn, I believe it will eventually designate the rights of a white man living on our reserve, living side by side with us. With the small reserve we have we cannot afford to harbour anybody outside our own band, except Indians.

In the department we have two general lists and the way I understand it is that an Indian could live indefinitely on our reserve, provided he is a treaty Indian. He is welcome to live with us for a period of time and we do not mind that. However, if that regulation is carried it may give a white man the privilege to come and live in our reserve and we cannot accept this willingly. I wonder if that answers the question.

The JOINT CHAIRMAN (*Mr. Grenier*): So that is the reason you do not want general lists included in these sections?

Chief GAMBLER: We are referring to the non-Indian.

The JOINT CHAIRMAN (*Mr. Grenier*): If there are no further questions, we shall move on to section 18. The brief reads:

That section 18(1) be amended by deleting the words after the word "surrender" in the fourth line, and substituting therefor the following.

"The band in council shall determine whether any purpose for which lands in a reserve are to be used or are used is for the use and benefit of the band."

Do members wish to have explanations from Chief Gambler on this?

Senator HORNER: The amendment which you are seeking looks reasonable. It merely means your band council will have the right to judge on any dealings or alterations made in your reserve. Is that not what it means?

Chief GAMBLER: What we are asking for is an opportunity for the band to decide any matter of business relating to lands, or any other business that is more important than attending to our local domestic business.

Senator HORNER: And it would include the rental of lands, and so on, to outsiders?

Chief GAMBLER: The rentals of land are not too alarming if the lands are only rented out for a short period of time. However, we have a new regulation and under it the band council, in consultation with a superintendent, can pass any matter of business without consulting the members of the band, and we object to this. In all matters relating to land we hold that the council should be consulted before a decision is passed.

Mr. HENDERSON: That sounds sensible.

The JOINT CHAIRMAN (*Mr. Grenier*): And section 19 deals with the same thing. You want it amended by inserting after the word "may" in the first line, the words "with consent of the band in council".

We shall now go on to the next portion of the brief which deals with sections 20 to 29 and reads:

That sections 20 to 29 be amended to repeal the wide discretionary powers granted the minister and the council of a band, and to replace these provisions enabling the granting of possession or certificates thereof, and the other powers given under these sections to the minister with consent of the band in council.

Mr. CHARLTON: Does this mean the council does not want certificates issued to individual owners? You want all the land to be owned by the band as a whole, and none by individual owners?

Chief GAMBLER: Yes, Mr. Chairman, we would prefer to have it that way.

Senator HORNER: Do you feel that is the wish of the majority of your band council? It seems to me that if a progressive young fellow builds up a place, digs a good well and gets ahead, he would like to have title to his own land. It would give him a sense of permanency of ownership but, if what you suggest is done, a progressive young fellow having worked hard and built up a place will simply find out later he has been working for others rather than for himself. I doubt if you are taking a wise course in wanting to prohibit individual ownership, and on second thoughts I think you would realize that.

Mr. HENDERSON: I do not think there is a farm big enough to have two women run it, let alone men.

Chief GAMBLER: On that question, our minds go back again to the treaty. Our reserves are small enough as they are. When the treaty was drawn up it was stated by the commissioner that not alone was it for the people who made it that day but also for generations yet unborn. That is the reason we say our land should be considered to be owned in common. We do not want to stand in the way of a progressive man but he must give consideration to fellow Indians living with him on a reserve. I think the best we can do at the present time is make a decent living. If we can continue to do that we would be assisting ourselves to a great extent in this day and age. Due to a lot of unemployment and due to lack of education for professional jobs for the Indians, they cannot get out and compete outside at present. The matter of education eventually will take care of itself and in all these matters it will be up to the next generation if they decide to get their ownership of land.

Mr. FANE: I would find myself prone to support the chief in that statement, because I think the private ownership of the land on the reserve would lead very soon to outsiders coming in, and to the depletion of the reserve. That is something we do not want, I feel that somebody would get title to a bit of land and right away somebody, knowing that was a well developed bit of land, would come in from outside and say: "I will give you a good price for it", and that would defeat the idea of having these reservations.

Senator HORNER: That would be impossible. It would be impossible for an outsider to buy land on a reserve and establish ownership.

Mr. FANE: If it were privately owned by a man?

Senator HORNER: Even then, he would have to sell it to an Indian from the reserve, or to an Indian, at any rate.

Mr. FANE: One would have to be very sure of that, as there are ways around almost everything.

The JOINT CHAIRMAN (*Mr. Grenier*): All we want to get this morning is what the witnesses on the stand wish to say.

Chief GAMBLER: I might clarify that situation there, with your permission. According to the Indian Act there are two rules and regulations regarding this question. There is the common ownership of land and there is the ownership by certificate of possession. Now, as the gentleman was saying here, in the event that this person got title to this land, he would probably dispense with that part of the reserve. It would be bought by some mortgage company or real estate company, whichever it may be.

Senator HORNER: That is impossible, according to the Indian Act. It cannot be taken away from the reserve.

The JOINT CHAIRMAN (*Mr. Grenier*): Before going any further I would like to tell the members of the committee again, that after this meeting we will have a steering committee meeting. I would like to ask Senator Inman, who is on that committee, to stay. We will not go any further than 11.30 a.m. as we cannot have the reporters for later than that. The brief continues:

That section 37 be amended by deleting the words "except where this act otherwise provides". It is our feeling that there should be no further absolute surrenders, but that surrenders, if granted, should be upon such terms so as to preserve unto the Indian tribe the accruing benefits from the land so surrendered, and so as to be in a position in the future of returning the lands to the full use of the Indian.

Would you tell the committee the purpose of this amendment which you are suggesting, Chief Gambler?

Chief GAMBLER: We are just afraid that if we give an outright surrender we will not be able to recover our lands under any deal that is being made. Once it is signed and sealed with the great seal of Canada, I believe we will have a lot of difficulty in breaking the contract or the promise in that deal, whatever it may be.

The JOINT CHAIRMAN (*Mr. Grenier*): The next article here speaks for itself:

That Section 47 (1) be amended to provide for appeals from all of the discretionary authority and jurisdiction granted to the minister

under this act, and that the appeal be to the court of the province which would have had jurisdiction if the deceased were not an Indian, and that the rules regarding the practice and procedure shall be made by such provincial courts. That notice of the exercise by the minister of testamentary jurisdiction shall be posted in an accessible conspicuous place in the Agency having supervision over the affairs of the band of which the deceased was a member.

Is there any question from the committee on this? The next recommendation is that section 53 (1) be deleted and the following substituted therefor:

The minister or a person appointed by him for the purpose, may manage or lease lands surrendered in accordance with this act and the terms of surrender.

Is there any question on that?

Senator MACDONALD: I wonder if we could have a little explanation of that. What lands are referred to here?

Chief GAMBLER: Indian lands, Mr. Chairman.

Senator MACDONALD: And any reservation?

Chief GAMBLER: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): The brief says:

That section 53 (2) be deleted. That section 53 (3) be amended by deleting the words starting in the third line, namely "except with the approval of the governor in council."

Is there any explanation the committee would like to have on this? The brief continues:

Section 54. That Section 54 be deleted.

Section 57. That Section 57 be amended to insert after the word "may" in the first line thereof the words "with the consent of the council of the band."

Section 60. That the entire section 60 be deleted. (This section at the present time implies and in fact grants to the governor in council a power which was never intended by the treaties, inasmuch as the treaties set lands aside for the use and occupation of the Indians.)

Section 61. That Section 61 (2) be amended by adding after the last word thereof the words "but in any event not less than five per cent per annum")

Section 64. That Section 64(a) be deleted. It is our feeling that there should be no unconditional surrenders of land or conditional surrenders which would be of a nature so as to enable an outright sale of Indian land. In the event that this type of surrender was prohibited or made impossible, there can be no suspicion of persons having bought a surrender, and also the Indian peoples will not be tempted to accept money in lieu of their contractual heritage.

Section 68. That Section 68 (1) be amended by deleting the word "revoke" in the last line thereof.

Section 72. That Section 72 (1d) be amended by deleting the word "taxation" therefrom.

Sections 73, 74, 75, 76, 77, 78, 79. That Sections 73, 74, 75, 76, 77, 78 and 79 be deleted, and the Indians returned to the system existing before the two-year elective system.

Mr. FANE: We have already discussed this matter.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, we have discussed this.

The brief continues:

Section 80. That section 80 be amended by adding thereto the subparagraph (s):

(s) "The control and management over lands in the reserve occupied by the band."

Section 86. That Section 86 (1) be amended by adding thereto the subparagraph (c):

(c) "Personal property which may be purchased by an Indian ordinarily resident upon a reserve, or personal property which may be purchased by a band."

and that the Section be further amended by adding in the tenth line after the word "possession" the word "purchase", and in the eleventh line after the figure (b) the figure (c).

We have also discussed this matter of taxation at the beginning of the sitting this morning.

The brief continues:

Section 108. That section 108(1) be amended by inserting after the word "applied" in the second line thereof, the word "voluntarily". By amending subsection 2 of section 108 to delete the word "may" in the second line thereof, and substitute therefor the word "shall", and make similar provision for the word "may" in the fourth line thereof.

Mr. FANE: We have discussed something very close to that, too.

The JOINT CHAIRMAN (*Mr. Grenier*): Is there any other statement you would like to make, Chief Gambler, or any other matters we have omitted to consider in your brief?

Chief GAMBLER: Mr. Chairman, I consider it a great honour that you have given me the privilege to add these words now to our brief. I have one article that we wish to file on record, with your permission, dealing with liquor and the vote. This is contained in a copy of a letter which we sent to the minister of the provincial government.

I understand that we have concluded our submission now. In closing, I want to say on behalf of my assistants here, and on behalf of all my colleagues, that we feel that there has been extended to us a great honour, a great privilege and a great opportunity in being able to speak here on behalf of the reserve that we represent.

Mr. Chairman, we want to thank the government and all members of the House of Commons for the hearing that we have received, for the accommodation that we have received, and for their kindness.

I also wish to thank the members of this committee here present and yourself, Mr. Chairman, for the kind attention you have accorded us, and for your patience.

We leave you, ladies and gentlemen, with our very best wishes and will conclude with our last paragraph: Your suppliants, with the knowledge that your committee represents "The ear of the Queen's Government", humbly request that due consideration be given to the implementation of the foregoing suggestions and recommendations.

Mr. Chairman, thank you again.

The JOINT CHAIRMAN (*Mr. Grenier*): Chief Gambler, Chief Thompson and Chief Starr, in the name of the members of the committee I wish to thank you for all your suggestions. I wish to say that you had a very well prepared brief, and that you have also made a very good presentation here before the committee.

Chief Gambler has asked to have a copy of a letter included in the record. Is that agreed?

Agreed. (See appendix)

APPENDICES

- Appendix P 1 Copy of letter tabled by Chief Gambler from Fyffe & Fyffe, Barristers, to the Honourable Mrs. Fairclough re "Extension of Vote of Indians".
- " P 2 Barren Lands Band—Manitoba.
- " P 3 Attawaspikat Band—Ontario.
- " P 4 Catholic Indian League of Canada brief concerning Indians of Alberta.
- " P 5 Submission by Chief Mathias Joe, Squamish Indian Band—British Columbia.
- " P 6 Ashinola Indians, Lower Similkameen Band—British Columbia.
- " P 7 Resolutions of The Western Archaeological Council.

APPENDIX "PI"

Copy of letter from Fyffe & Fyffe, Barristers, etc., Regina, Saskatchewan

February 22, 1960.

The Honourable Mrs. Fairclough
Minister of Citizenship and Immigration
Ottawa, Canada.

Re: Extension of Vote of Indians

Dear Madam:

We beg to advise that we have been consulted by the Chiefs and Councillors of six tribes of the File Hills Qu'Appelle Agency, who have formed themselves into a body called Qu'Appelle Indian Advisory Council of Chiefs Independent, for the purpose of discussing and making representations on behalf of their people in connection with mutual problems. They would like to draw your attention that not all Indians are in favour of receiving the right to vote, and in particular would like to say that the group which they represent is opposed to receiving this privilege. This body has noted with some interest the attitudes taken by numerous people and bodies anxious that Indian people should achieve equal status with non-Indians. In this regard it would appear that the persons and organizations are looking at the entire Indian situation, and assuming that all Indians have the same problems. It would also appear that these people and bodies assume that they are superior to the Indians, and should try to do something about it.

The Chiefs and Councillors of the Qu'Appelle Indian Advisory Council of Chiefs Independent would like to draw to your attention, and through you to the attention of the Government, that they regard this situation in an entirely different light. This body is firstly interested in assuring that the words and spirit of the Treaties is lived up to by the persons involved, and that the Queen through the Federal Government will assure that she will intervene to safeguard the observance of the Treaties by all subservient governments.

As a second point of interest, these people are proud of their ancestry and way of life, and are anxious that it be maintained. These people do not regard themselves as lesser than the white man for all that the white man may appear to have. The fact is that these people regard themselves as a privileged class among the British subjects, in that they have privileges not possessed by others in Canada, such as the freedom from taxation (which freedom appears to be slowly but surely being whittled away); the right to receive without cost education for their youth; the guarantee that their lands will pass into their generations yet unborn regardless of or in spite of any lack of foresight which may be possessed; and the right to receive medical care without cost.

As mentioned these people regard these privileges highly, and feel that because of them the Indian is not below the white man but rather above him. This view is in part taken because it has and will forever cost the white man money to maintain these concessions, granted you will recall in return for the surrender by the Indians of their land to the use of the white man. This view is also taken because the Indian has seen what has happened to by far the majority of their people when they have surrendered these privileges to become integrated into the life and ways of the white people. You may have wondered what all of this has to do with the extension of the vote to Indians. We will clarify this in a moment, but would first like to point out that these

Indians feel that their inherent rights have been slowly but surely whittled away, and that this extension will in the future result in a further reduction of these rights.

The tribes which are represented in the Qu'Appelle Indian Advisory Council of Chiefs Independent are:

The Muscowpetung Reserve
Okeeneese Reserve
Carry the Kettle Reserve
Peepeekisis Reserve
Star Blanket Reserve
Wood Mountain Reserve

These people regard the undertaking of the North West Angle Treaty of 1874 when the commissioners representing the Queen through the government said "The ear of the Queen's government will always be open to hear the complaints of her Indian People, and will deal with her servants that do not do their duty in a proper manner." At this time there was certainly no intention that the Indians should have a right to decide who the Queen's government is going to be, and it is felt by these people today that there should be no change in this recognized situation. In the ordinary view of politics the voter would take his problems to his member of Parliament. These Indians recognize the non-political and non-partisan promise as contained in the commissioners' undertaking, and desire to maintain this privilege.

The further feeling of these people is that they are not sufficiently educated in the cunning of the white can to be able to safeguard their futures in the political arena.

The representatives of the tribes as mentioned above are strongly of the opinion that the sovereignty of individual tribes should be preserved, and that people belonging to a particular reserve should not be allowed to accept the vote until and unless a majority vote of the tribe has been taken in favour of accepting the vote, leaving however with the Chiefs and Councillors the right to decide when a vote on the right to take the vote shall be taken if at all. You may have some misgivings about the matter of sovereignty of tribes, but I would remind you that when the Treaties were signed, they were signed by separate Chiefs contracting on behalf of their individual tribes. The Government, therefore, cannot deny that they did not have the authority so to do.

Lastly, but by no means a less important problem, is the position of the Indians with regard to Section 86 and 108 of the present Indian Act if the vote is extended. Unless these Sections are amended the long-established rights of the Indians stand in jeopardy under the guise of friendship, understanding and the intention to improve the status of the Indians.

Yours respectfully,

FYFFE & FYFFE

JDF/ew

Per.

APPENDIX "P2"

BARREN LANDS BAND—MANITOBA

Brochet, Man.
December 15th, 1959

Mr. E. W. Innes, Committee Clerk,
Comm. and Private Legislation Branch,
House Of Commons,
Ottawa, Canada.

Dear Sir:

I regret having been unable to answer your letter before to-day. Thanks for letting me know about legislation coming up.

The BARREN LANDS BAND we feel is very little known in Ottawa, and the Agency in The Pas seems to have very little time to try and help us get organized.

Most of our members are living from trapping and fishing. Caribou meat has been always our main food. The Fur we kill is practically taken away for nothing, right now, half price of what is paid outside by same Hudson's Bay Cy. No organized fisheries is leaving us with very little income during summer. The great help we used to get in the Fall in ammunition has been cut almost entirely.

We need a Survey of our Reserve limits, and we wish to advise you that the corner cut off from the reserve by construction Of Dept of Transport Radio Station, has been overlooked and should be replaced by a strip added on the East side for more construction.

We feel that Liquor Law instead of being widened should be restricted.

We never had our Chief in Ottawa to explain the needs of his Band, nor in Winnipeg. So if delegations are called in Ottawa during the Session we wish to be authorized and asked to be there. As Chief I would like to be going with an interpreter, with expenses paid. No Band funds has been an obstacle for us in promoting propaganda for our Band.

We have asked for a little hospital here almost every year but no result. R.C.M.P. resident also was asked for and no result.

We hope that Education projects will be kept up. The Guy School of The Pas cannot accept all our children, being too small needs accommodation for more children.

Finally we wish that your Department from Ottawa investigate our needs, and help us organize our life for less hardship and better use of the country.

Truly yours Chief Louis Deneganzé No: 162
Barren Lands Band
Brochet, Man.

APPENDIX "P3"

ATTAWASPIKAT BAND—ONTARIO

Attawapiskat, Ontario.
Via Moosonee, Ont.
August 12, 1959.

Dear Sir:

We are sending you a few of our problems and we cannot make all the points as well as we would wish to make them unless me and one other member of our band are invited to meet the Committee in Ottawa, with all our expenses paid. But we people here are very poor in money. Here are some of our points and I do my best to explain clearly so that you'll be able to understand them.

1. The Indians of our Band are unable to maintain themselves out of their own earnings during the summer months because the prices for fur-bearing animals, trapped during the winter months are so low.
2. Nothing has been done by the Indian Affairs Branch to provide for our Indians supplementary income through alternative sources of employment during the summer months.
3. As a result, all Indian families are desperately dependent on the Family allowances during the summer and half of them have to go on Relief in order to keep body and soul together.
4. A particularly distressing aspect of this situation is that some of our Indians can't do heavy work, for health reasons, even during the winter, and although they are totally dependent on Relief, do not always get it.
5. Another distressing aspect is the situation of our Old People who cannot care for their homes or themselves and stand in need of other persons to do these things for them. Me and my Council would like to see an Old People's Home provided for the aged, so that they can be centrally cared for, instead of being spread about the reserve in separate homes supplied by the Indian Affairs Branch.
6. Me and my council fail to see the justice of an arrangement whereby there are deductions made from the cheques of Old Age Pensioners who have to go for medical care in hospitals. When the pensioner has to pay for the service and medical attention in hospital, the plight of the spouse left behind to maintain the home can be very serious indeed.
7. We are very sorry to talk like this. When we talk to the servants here we mean the ones who sent by the government to work for the Indians. Like when we tell them what we and our people need and how money should be used but they don't listen to us. As a payment when the government took the Indians and their countries and when He first elect an Indian chief He says "The Chief should be trust and should be listen to what He says (if He's right) just like if I was sitting there". We never find this yet, since we took this job, and we never get paid. But still we keep on doing our work. It is very hard for us when our people come to us and ask the help of the government when they need it. But we can't do anything about it because there's no money etc., here in our reserve. We would like very much to have some money here and should be put in Company so that they can keep it for us. It should be used only when there's in need. (Example) like if a man is working and have an accident terribly while he's working. Here should be given what he needs and the family.

We would be very pleased if you answer to us and we probably be wrong and please tell us if you don't agree with us in our letter in some places.

Thanks with all our hearts. And we send you our sincere greetings.

Yours very truly,

The Chiefs

1st Xavier Tookate

2nd Joseph Oaktail

3rd Joseph Sheshaish

4th Xavier Paul Martin

APPENDIX "P4"

Catholic Indian League of Canada *Matters Concerning Indians of Alberta*

BRIEF TO BE PRESENTED TO THE JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

By Mr. Maurice MacDougal and Mr. Tommy Cardinal, President
and Vice President of the Catholic Indian League
Representing the Catholic Indians of Alberta
Who voiced their opinions at an annual meeting in Hobbema,
grouping chiefs, councillors and delegates from Saddle Lake,
Beaver Lake, Legoff, Peigan, Blackfoot, Blood, Sarcee, Winter-
burn, Cold Lake, Good Fish Lake, Onion Lake, Bob Tail, Louis
Bull, Ermineskin and Samson Reservations.

Introductory Remarks.

It is indeed a happy occasion for us to be here among you today, representing, as we are, the Catholic Indian League of Alberta before this Joint Committee of the Senate and the House of Commons whose purpose is to study and review the provisions of our Indian Act. It is a happy occasion for us, I say, both because of the great importance of the subject matter to be reviewed, and also because we feel that more and more of our fellow citizens, especially among the governing body, are willing to regard us as equals, and are starting to consider our views also, along with their own, our desires and ambitions as a people, in matters that concern us. We feel there is a growing tendency to scrap the old patronizing attitude of "knowing what is good for the Indians better than the Indians themselves", and to accept us more readily with opinions of our own.

We recall, for example, Mr. Frank Howard, M.P. for Skeena, B.C., speaking to a Royal Commission on Indian Affairs, and actual member of this Parliamentary Committee:

There has to be a conscious desire to accept native Indian people as equals and that we will undertake to abandon our paternalistic attitude.

We should undertake an attempt to appreciate and understand and experience the same feelings that Indian people have. We should try to understand their background, their culture, their hopes, their desires and aspirations. In turn, we hope that they will appreciate ours. (Indian Record. September 1958.)

We remember Senator Gladstone's plea for a new deal in relations between us and you, during his maiden speech in the upper house:

As the original inhabitants they want not the patronage or tolerance of their fellows, but rather their understanding and help so that they may materially improve their lot and status in the months and years to come, and so that 'equality of opportunity' and 'equal status' will mean something in the future.

We remember how Mr. Gundlock, M.P. for Lethbridge, another member of this Parliamentary Committee, offered to be the spokesman for the Indians of his constituency, when the Bloods presented their resolutions in a Brief we will mention later. We recall words and actions of so many others, including Mr. Pickersgill, former Minister of Citizenship and Immigration, and Hon. Mr. Diefenbaker, our present Prime Minister. We are thankful for all this personal interest.

And even though we cannot share all the points of the policy of the Indian Department, even though we strongly disagree with some of the views put forth by some of our would-be spokesmen, including our own Indian Senator's opinions some of which are in direct opposition with those of so many Indians of our province and of his own reservation, we certainly stand behind you all, however, when you say that our future lies in a general betterment of our Indian communities, through a balanced program which strives to bring progress to all fields, educational, economical and social.

We know, however,—and we feel that you know also,—that this program can only be achieved inasmuch as our own people will regain their initiative and self-confidence in the shaping of our destiny on an equal ground with any other citizen or any other community in this Canada of ours. It is on the force of that conviction that we, the Catholic Indians of Alberta, also wish to make our voice heard in matters that touch us so intimately.

A. EDUCATIONAL, IN GENERAL

In matters of education, especially,—so closely related to the delicate problem of integration,—have the various bands across the province been most persistent in their requests that we should present their resolutions to the Department of Indian Affairs and to this Joint Committee. So many grievances have come up at each of our annual meetings, in this regard, that they can but stem from our not seeing eye to eye with the policy of the Department in this matter, a policy which would promote assimilation of our youth into the common white element almost at any cost.

The principle of integration may be a good one,—we will discuss it later, under section B,—but its application in practice must respect basic human rights and principles, the ignorance of which can only bring grief and dissatisfaction to all concerned.

In a country founded on Christian and democratic principles such as ours, —the basic right of a parent upon his child,—the right to send him to the school of his choice,—the right to teach him the truths in which he himself believes,—and the right to be himself, all stemming from basic rights of the individual, should require no further explanation. They should be almost self-evident to a Canadian; and yet, how often have those rights been denied us!

As Catholics, furthermore, we maintain our right to give our children a complete education, one which takes into account both their body and their soul, one that prepares them for both a better life and a better after-life. For that purpose, we maintain that a short period of religious instruction after school hours can never be a substitute for a complete education in a Catholic school, not because of more numerous religious classes, as some are wont to think—they don't have them!—but because of a different general atmosphere

throughout the day. We therefore uphold our right to schools of our own whenever we so desire them, and feel that the Federal government has an inescapable responsibility of granting them, under the Constitution and subsequent Treaties, even to the High School and professional levels.—And that furthermore when these be granted, that it not be done grudgingly, even though it may go against the party-line or the admitted policy of the Department, by favoring with greater facilities and better personnel those pupils who cater to government policy, to the detriment of those others who wish to uphold their rights in this matter.

B. ALL THAT TALK ABOUT INTEGRATION

The policy of the Educational Division of the Indian Affairs these recent years has been very clearly to emphasize education of Indian children in association with non-Indians wherever possible. We do not question the policy itself, but we do question its mode of application in many cases.

(1) *The problem:*

From many parts of the province once again, as in our last years' meetings, came further complaints and grievances with regards the fore-mentioned policy:—cases where non-Indian teachers were hardly prepared or willing to understand and help the Indian student;—examples where students were sent elsewhere against theirs or the express will of their parents;—problems arising between Indian and non-Indian children themselves because of a too great difference, on the social and economical level; and, overruling all these personality clashes, closing its eyes to all objections, be they from the parents or the students themselves, the iron hand of local administrators and officials, trying blindly to apply the Departments' policies, no matter who might be hurt in the process.

On the Long Lake reserve, busses bring the children to Bonnyville. The existing Day school will soon be deserted . . . forcibly. —From the Beaver Lake and Saddle Lake districts, the situation for the Day schools is much the same, while busses bring others to St. Paul, leaving the balance for the Residential School of Blue Quills. All the high school students from these districts must go to St. Paul; but even this has proved far from satisfactory. —The children from Winterburn have been "successfully integrated"—so the party newspaper reporters claim—and several of those from the Blood reserve go to the Cardston public school. These are a few of the localities where the Departmental policy is put to the test. This would seem to indicate that the said policy is quite possible.

Yet from every one of the above localities have come grievance upon grievance, request upon request. But no! they are not heard. Everyone else thinks he knows all the answers, but refuses to listen to the Indians themselves. And so, the newspapers go on relating half-truths about the success of the experiments; the whole truth would be too bitter. (I refer, for example, to articles published lately about the situation in Cardston, in Jasper-Place, in St. Paul, etc.) Self-appointed friends of the Indians go about expressing their views,—their own views, of course, not ours. And even our Indian Senator, Mr. Gladstone, supposedly speaking in our name . . . but on matters of education, at least, our gatherings certainly brought out the fact that Indians of Alberta in general are very much at odds with his oft-repeated and much publicized assertions.

We resent those sweeping statements which claim that our children in Residential schools are 2 to 3 years behind students in public schools, when we know full well—with school records on hand—that in our better equipped ones, they succeed just as well, better in fact than most Indian pupils actually attending mixed schools. We furthermore do not agree with those who would promote

non-denominational schools on the reserves; all the Catholics of North America who established the separate school system in the United States and Canada should understand and agree with us on this point. We certainly resent also the many decisions from higher up that concern our pattern of life so closely and yet refuse to take into consideration our views in these matters, be they of education, of hospitalization, of the right to vote, of the transfer of our homes and lands, or any other. In short, we request a voice in matters that concern us.

(2) *How we feel integration should proceed.*

We know as well as anyone, or better, that we and our children must blend into the white man's way of life as it is today, if we wish to contribute our share to Canada's wealth of culture. We know our Indian communities must slowly fit into the pattern of all the communities around them. We agree wholeheartedly with the Department when it says that their plan of education is meant to develop a core of leadership for Indian communities.

But to attain that goal, we also know that we don't have to forsake our Indian heritage. In fact, we would be the poorer if we did. We want our children to be proud of us and of our communities; we want them to think of home as a place where they can bring their many non-Indian friends, and find that these also are proud to associate with them. We want them and us to live in a family environment which is on a par with any other around us. And we know the Indian Affairs Department wants that too.

But are you really helping the cause if my boy or girl wants to quit during the school year because of the "cold-shoulder" treatment or the open hostility he has encountered in the non-Indian school at the hands of an ill-advised teacher, of some other student, or of this student's parents? Are you really promoting integration if my boy or girl refuses to go to High School, or through spite achieves much poorer grades than his non-Indian class-mates, just because he has no other alternative but to attend a so-called cooperative school? And are you really helping me build up my community when your only aim seems to have my children educated away from their home, to have them assimilated, or—the word says it—to have them disappear into the white man's world? Every time it happens, every time one of our more intelligent and better trained youths is assimilated or integrated in that way, someone of you may applaud it as another successful integration, but I am the poorer for it—and my own community will have lost another potential leader or trained personnel.

As I have said, however, if the individual boy or girl so desires it, if he wishes to study or establish himself in a non-Indian community, all is well, and so much the better for it. His own ambitions will see him through and help him make good. He will still be an asset to our community, because he will succeed where he goes; his example will still exert a good influence back home. And the Department of Indian Affairs can only be commended on all the help it is ready to give him.

But what if he doesn't want things that way? What if his parents don't? What if he still wants to learn, and still wants to go on, but his way... in an environment that is more familiar to him, with friends that he knows, and closer to the place he still calls home? *It should be his choice, not yours! It is the parent's right to decide.* Integration must neither be forced nor hurried. It must move slowly, no faster than the changing outlook and aspirations of each individual. It must be desired by both Indians and non-Indians concerned. This would seem to demand that the better endowed Indian become leader for the less favored, as it is for everyone else. There must be no cutting off of potential Indian leaders from the others of their tribe who need their encouragement and competence to become self-supporting.

In other words, not all the best Indians should be taken off the reservation and fitted into the white man's economy without consideration for our own.

Rather, the movement should be the other way. Our reservations need Indian leaders, professional people first of all, but then also people who can make a success of earning a living there. We don't want our reservations to become only a refuge for second-class citizens, "a refuge for those who have failed to assimilate", as a local group of "Friends of the Indians" said recently, thinking to have judged us fairly. We want our reserves to take their place and hold their own among all other communities around them. We want to be proud of our homes and our communities as you are of yours. In short, we want to be accepted as Canadian citizens on a par with anyone else.

Allow me to summarize: As can be gathered from the above, we strongly feel that the gradual integration of our school children, to be successful, would have to follow at least the following natural and set standards:

- (a) that it be desired by the individuals concerned, both Indian and non-Indian.
- (b) that non-Indian teachers be prepared and willing to understand and help the Indian children.
- (c) that the rights of parents be respected at all times.
- (d) that the socio-economical status of these individual Indians be equal or very close to the level of the surrounding non-Indians.

Resolution 1:

Whereas the provisions of Article 117 of the Indian Act in its present wording pay due respect to the basic rights of the individual, the rights of a parent over his children, and the four freedoms of our democracy, including freedom of worship,

Be it resolved:

that its provisions be left unaltered by the present Joint Committee.

May we add that requests were made and resolutions were drawn up to censure respect of these God-given rights at every one of our annual meetings since 1957, but that still the voice of the Indian is not heard.

May we add furthermore that these requests and grievances are not limited only to the Catholic portion of our population, but are shared by other groups as well, as the following quotations serve to illustrate:

Quotations:

(1) From several resolutions presented to Mr. Gundlock, M.P. for Lethbridge, on April 24, 1958, by a delegation of Blood Indians composed of representatives from the Band council, from the Indian Association of Alberta local, and from the Treaty No. 17 Protective Association local, we read the following:

—Whereas the current announced policy of the Federal Government is the assimilation of our more intelligent and better trained youth with white people and in competition with them, through secondary education in academic and technical curricula, in surroundings where our youth becomes ignorant of the needs of their own social group;

—and whereas this policy deprives the Indians of future leadership and trained personnel and insures the perpetuating of a group of second class citizens under continual tutelage of wardship;

—and whereas Treaty No. 7 reads: "Her Majesty agrees to pay the salary of such teachers to instruct the children of said Indians as to her Government of Canada may seem advisable, when said Indians are settled on their reserves and shall desire teachers";

—And whereas the tribes of Treaty No. 7 have now settled on their reserves and have progressed with grade schools to the point they now desire teachers at High School levels;

Be it resolved to petition the Crown to establish a regular High School on the Blood Reserve with the same academic and technical curricula available to white people, so that our young people may receive training in the arts and trades within the framework of their own social group for eventual service to that group."

We, of the Catholic Indian League, cannot but make this resolution our own, and subscribe to it wholeheartedly in presenting it to you.

(2) Brief presented to the Cameron Royal Commission on Education by a delegation from the Indian Association of Alberta, comprising Mr. David Crowchild, corresponding secretary from the Sarcee Reserve, Mr. Howard Beebe, southern organiser and actual president, and Mr. John Laurie, treasurer. Speaking for members all over the province, some of their views were the following:

—They question the policy of forced integration into white schools (i.e. when this arrangement is organized by the Federal Government with no other option to be approved) even though the parents or the students do not want it.

—They point out the necessity of reviewing the curriculum and to reassess reading material and the course of social studies both for Indian and non-Indian students alike to give the children a true and exact knowledge of the Indians of the past and present time, and so to avoid unnecessary prejudice and friction.

—They suggest pre-school training in English.

—They find that all too often an Indian student attending a city school away from the reserve is attracted much more to the city life and streets than to his studies, thus hampering the process of integration rather than promoting it; they felt very strongly that if the students could be kept away from the city until passing grade 12, they could then cope with life in it much more sensibly than at a younger age.

—They suggested that four composite residential schools be established in the province, two Catholic and two Protestant ones. This would enable students, they felt, to concentrate much more on their studies.

Once again, we, of the Catholic Indian League, see the wisdom of these remarks, and cannot but add our voice to theirs in asking this Joint Committee of the Senate and House of Commons to bend an ear to the requests of the people.

(3) Many people have spoken against the "paternalizing" attitude of the Government towards us for so long. Many have noted its depressing effect upon our youth, and our would-be leaders. But it still goes on! We read in the Regina Leader Post and in the Indian Record recently, these words of a noted American educational specialist, Vernon Beggs, that "*this adjustment (integration) must be based on sound psychological principles, respecting the integrity of personality, and working through the people themselves to help them achieve their own particular destiny.*"

He went on to say that, certainly, no new personality and no new culture is built on the deliberate wrecking of another. Adjustment to another culture can be achieved only as the members of the minority group *retain their self respect, their pride in achievement, and their recognition of those elements in their culture which have enduring worth.* (Indian Record, Sept. 1958.)

We only wish that more people in the Indian Affairs would understand words such as these, and abide by them in practice.

In view of the above considerations, and in order to achieve the goal as mentioned, we therefore strongly agreed to request, as a body, the following resolutions:

C. HIGH SCHOOL

Resolution 2:

Whereas the number of Indian students who reach High School level is increasing rapidly, and the problem of High School education for Indians must be met in the way most apt to benefit both the Indians themselves and society as a whole.

—and whereas the current policy of the Federal Government, when enforced without consideration of individuals and local settings, deprives the Indians of future leadership and trained personnel, and ensures the perpetuating of a group of second class citizens under continual wardship.

—and whereas, knowing our children and knowing our people, we have found that for many of them all-Indian schools bring better general results, and that furthermore local High Schools tend to become centers of community life or a source of culture and enlightenment for the surrounding community, as the Residential schools have already proved,

We now resolve that, should they so desire it, Indian students would receive their education, especially at the High School level, in all-Indian High Schools on the Reservations;

and that, therefore, proper accommodation be prepared for them, at least at the four natural centers of Ermineskin for the Hobbema-Edmonton agencies, Crowfoot for the Blackfoot-Sarcee agencies, St. Mary's for the Cardston-Brocket agencies, and Blue Quills for the St. Paul-Saddle Lake agencies, with the full range of courses included in the Alberta curriculum for High Schools: academic, technical, vocational, with options in commercial subjects as well, so that our young people may receive training in the arts and trades within the framework of their own social group for eventual service to that group.

D. VOCATIONAL TRAINING

Resolution 3:

For reasons obviously inferred from the above, we would like to see more attention brought to the furthering of trades among our people, especially for those students who have not the ability or the desire to complete their academic studies, as also for adults who wish to better their position in life. Most of the Provincial Departments of Education offer sufficient facilities in this field, but, unfortunately, the prerequisites for admission to these courses are such that a goodly number of our people would still not make the grade. One group has already shown a daring effort: the Winnipeg School Board and Department of Indian Affairs are actually making it possible for Indians, it seems, to enter the Manitoba vocational training school without the required educational background.

We therefore resolve that technical, vocational, and pre-vocational training centers be developed in all our residential schools, which training might be a recognized prerequisite also for the higher vocational courses offered by each Province, and, if necessary, to organize a centralized Trades School which would cater to the less fortunate group, especially of the north.

May we add, furthermore, that even though these all-Indian High Schools and vocational centers requested seem only to be tolerated and grudgingly so, in the current policy of the Department, we hope they may nonetheless not

be lorded over but granted all the necessary facilities, both in school material and personnel, to fulfill their full duties and prove their worth with no unnecessary duress against them.

E. HIGH SCHOOL AND OTHER SECONDARY EDUCATION FAILURES

At present, it seems the overt policy of the Department with regards Indian students attending either High School or one of the more advanced courses of studies, that, should one fail the course or otherwise interrupt his studies, he foregoes any further chance of receiving the educational assistance which is provided for by the Department.

We contend, however that in many cases the causes of such conduct or results were beyond the direct control of the student. And even if they were, in other cases, it would only have been human. How many students in white communities also, at one time or another in the course of their studies, have wanted to give everything up, and certainly would have, had it not been for the backing and encouragement of parents and friends who helped them try again, or got them into some new line of studies. Why then should the Indian student, just because he receives little or no backing from his family and his own environment be doomed to just one chance, if some circumstance of life brought him to make a mistake.

Resolution 4:

—Whereas students who have failed their courses or otherwise interrupted their studies are usually not granted further assistance under the present plan,

Be it now resolved that, if said student, showing definite signs of aptitude, should reconsider and wish to try again, especially in cases reviewed and recommended by local school authorities, we ask that he or she be given another chance under the Department's assistance plan for education.

F. EDUCATION OFFICIALS

In matters of education, above, we maintained that parents have the God-given right and the duty to bring up their children according to the principles of life in which they themselves believe; for us, then, according to the principles of a Catholic education. On this point, the Indian Act is a just law, and acknowledges our right to schools and teachers of our own. We now wish to bring up the matter, however, of *school inspectors*. To these is entrusted the supervision of teachers, of subject matter and method. To those, both students and teachers look for guidance, encouragement and assistance. Yet none of these, at present, share the beliefs of the majority of teachers and students which they direct,—the majority being Catholics—none of these is qualified to fully understand the underlying principles of a Catholic education. Misunderstandings and lack of cooperation can easily result.

Resolution 5.

We therefore request the Department to consider the appointment of an inspector of the Catholic faith for the Catholic Indian Schools of the province.

Resolution 6.

For very much the same reasons, we strongly feel that a representative of the Catholic faith should be given authority with regards Catholic schools at the Federal level in the Department of Indian Affairs at Ottawa.

Resolution 7.

Whereas the positions of social workers are in somewhat the same position as the above, their work necessarily bringing them into the intimacy of our lives,

—And whereas we feel the existing organisation of social workers is quite inadequate, due to limited personnel,

Be it resolved that the field of social work be studied at the Reservation level, and that more workers be appointed, and be it resolved also, that some of these workers be of the Catholic faith, were the majority of the population warrants it, in order to pay due respect to Catholic principles of family life which almost always come into the focus.

G. DAY SCHOOLS

Resolution 8.

Whereas experience with Day Schools present the serious problem of parents often being forced to leave their farms and homes to live in temporary and inadequate dwellings closer to the school for the length of the school year to enable their children to attend school, thus resulting in:

- serious neglect of farms and farm buildings;
- loitering, loafing and a generally poor social atmosphere;
- reduction of family income;
- expenditure of band funds to provide cabins and dwellings;

Be it now resolved:

—that Day schools built on the Reserves be constructed adjacent to or in conjunction with Residential Schools, where existing facilities could be used for both Residential and Day School students;

—That well established bus lines provide adequate transportation for the children;

—that noon meals be provided to all children at the school.

Resolution 9.

—Whereas existing Day Schools in most parts of the province do not at present enjoy the advantages of Industrial Arts facilities, of pre-vocational or technical courses;

—and whereas these schools have little or no economical and social influence on the surrounding adult groups;

Be it resolved:

—that industrial arts teachers from the local Residential Schools be appointed to give weekly instruction in these schools,

and that adult education programs for these centers (around the Residential Schools) be enlarged upon to bring their advantages to people of outlying districts where only Day Schools exist.

H. TEACHERS AND TEACHER TRAINING

In speaking of our children's educational needs and difficulties, we cannot leave aside the matter of teaching personnel. We are pleased to note how the quality of our teachers in the larger schools has grown so rapidly in these last years, that we can often boast of a staff as qualified as anywhere in the province. In more remote areas, however, in the northern parts of our province especially and in too many day schools, such is unfortunately not the case. Either because of isolation or too poor a salary schedule, these districts find it very difficult to obtain good teachers and to keep them even for the entire

school year. There's where we feel the need of people who have dedicated their lives to the care and education of the poor and humble. We would suggest therefore that more of these Day Schools be entrusted to the care of a religious order of teaching sisters, whenever possible.

Besides this, however, we meet with another problem which is no unknown even in the larger schools: lack of understanding and sympathy between the teacher and the pupils, a feeling which stems mostly from the teacher's not accepting the fact of cultural differences in her pupils, a situation which has caused hard feelings and bitterness wherever it has come up. Our children are the same as those of everyone else: a friendly, interested teacher has a magic all her own to instill in students the ambition to succeed, but where there is no genuine sympathy, there can be little or no educational progress.

Resolution 10:

For these reasons, we add our voices to those of the Indian Association of Alberta to request that teachers be given special training before teaching in Indian schools, particularly about the habits, feelings and ways of the Indians, as also an elementary notion of the cultural changes that face them;

that, furthermore, salaries and living accommodations should be good enough to attract the better qualified teachers.

I. ADULT EDUCATION

The general opinion of our members, hailing from all parts of the province, in this matter of adult education, was that the present efforts were far from satisfactory. Farm instructors were often hardly instructors at all. Short courses in the applied arts and other vocational courses were well attended but then didn't seem to follow through. The adult classes implemented in several of the Residential schools were profitable, but reached only the few. And even these classes were usually hampered by too limited shop and home economics facilities. We had no new suggestions to offer, however, but were agreed to ask only that the present policy of the Department, in this important matter, be expanded considerably.

Resolution 11:

We therefore request that technical and vocational training centers already established in several of the Residential schools for the use of the students be developed all the more to accommodate also adult classes:

—that in schools where such training is not yet available, it may be established, even in conjunction with the Day schools, when no other one is close enough to the local inhabitants;

—and that some plan be evolved whereby the classes might reach the many, instead of the few, a plan which could possibly make use of the principles of group dynamics—study groups and group discussion on the family level—organized jointly by the local school authorities, the Indian Department and the Extension services of the University of Alberta.

J. INDIANS IN CITIES

Every year, more and more Indian youths turn to the cities for purposes of education, job openings or social facilities. Their stay is of greater or lesser duration according to the aim they pursue. Almost invariably, however, their social contacts lead them to less reputable parts of cities, and statistics show

that the greatest percentage find themselves in trouble with law within the first forty-eight hours after their arrival. From then on, they too often fall into a class of "border-line" citizens, thus causing a definitely new social problem.

It has been suggested by some Department officials and Associations to establish hostels of a non-denominational nature. We contend that such establishments are not acceptable to our Catholic parents and opposed to our whole Catholic philosophy of life.

Resolution 12:

We therefore wish to stress very strongly that we are opposed to the establishment of non-denominational hostels in cities.

—If residences are established in cities to accommodate Indians, we stress strongly that they should be completely separate for Catholics and Protestants.

K. LOCAL PROBLEMS IN MATTERS OF EDUCATION

Many of the local problems brought to our attention are not the immediate concern of this Joint Committee, but of the Department of Indian Affairs itself. Some of them we have already mentioned as examples under some of the preceding topics, especially in topic B, during the discussion on integration. A few of them I would like to mention here, however, first of all in order to be faithful to the people who asked me to represent them here and speak to you about their problems, but also, in second place, to illustrate what we mean when all too often the public voice of the Indian is not heard, while the Department pursues its policy regardless. Almost all of the previous resolutions could have served to illustrate the same point on a larger scale; the following are only a few more examples:

(1) *Beaver Lake*: Topped with many grievances and drawbacks, petition after petition has been drawn up, through the Indian Association, through this League, and directly to the Indian Affairs, for the last few years, begging for a fresh appraisal of their situation. We now wish to present a resolution, prepared with them, which was co-signed by their whole band council:

Resolution:

Whereas would-be students from the northern parts of this reserve find it difficult to attend school in the present situation;

—and whereas a revolving staff of student supervisors brought its usual draw-backs in delay, lack of confidence between student and teacher, and possibly several school failures, in the present school set-up;

—We find that there is a need for a Day school to be built on the Beaver Lake reserve close to the parish church, or have the present one moved to this more appropriate site, to accommodate students of the northern section of the reserve,

—and ask that qualified teachers be hired for the complete school term.

(2) *High School accommodation for northern sectors.*

In the present situation, following Departmental policy, bus routes are established bringing students from the Kehewin or Long Lake Reserve to Bonnyville, and those of Saddle Lake to St. Paul, the bulk of the remainder being taken care of at the Day Schools on each reserve, or the Blue Quills Residential school. For all cases, however, high school students must attend the town school.

From all appearances, because these public schools are also of Catholic denomination, this set-up should be satisfactory for us, the Department says. Yet, the same old problem exists, for many of the same reasons mentioned above, while discussing integrated schools: after a few years' experience with the program, our people just don't want their children in such a school, for the present at least; and, in many cases the students themselves refuse to return, especially for High School.

Therefore at the risk of sounding banal, we insist once again on the fact that our people want all-Indian High Schools—there are enough students to warrant it—and the northern groups petition for one of their own, because the existing ones are too far away.

Because of these ever-present problems, frictions arising from different socio-economical standards, dissatisfaction with the results obtained in the public high schools and with the attitudes bred into our children attending these, loss of intimate contact with our children bringing with it loss of discipline...

We ask one again that the present school of Blue Quills be granted high school standing, so there would be no further obligation of attending classes in St. Paul, where general results have proved far from satisfactory.

(3) *Saddle Lake:*

For much the same reasons, adding to them problems of health and family background, we ask that a combined Residential and Day School be built on the Saddle Lake reserve for the students of the said reserve.

(4) *Legoff:*

A section of Reserve land has been obtained for the location of a Residential school. 104 children attend Day School and 62 are in residence at the Blue Quills School. With an increase of some 18 students next year, our reserve will reach a total of 185 students. Health and food are other important reasons to back our request. Our trapping rights have been lost to the Department of National Defense which result in very limited means of making a living.

Be it therefore resolved that a Residential or combined residential and day-school be built on the Legoff Indian Reserve.

(5) *Peigan Reserve:*

—Whereas the Indians of the Peigan Reservation earn their livelihood mostly through farming and ranging, which can be done only if the Indians live on their land and farms,

—and whereas the project of grouping Indian families in the village has accentuated and will increasingly accentuate their poverty, destroy the remaining self-respect and initiative, since such a project offers no opportunity of employment nor the enjoyment of public utilities (such as water, sewage, electricity, etc...)

—and whereas the Chief, councillors and band as a whole have expressed their disapproval of the moving of families to Brocket and of the proposed building of classrooms for day pupils in the village,

—and whereas a petition was signed by the Chief, Councillors, and parents to request from the Minister of Citizenship and Immigration that the classrooms be built adjacent to the existing Residential School,

—and whereas Vocational Training is most important for our students and adults, and can be provided best through the existing facilities at the Residential school,

Be it resolved:

that classrooms be built adjacent to the Sacred Heart Residential School to accommodate day pupils.

and that steps be taken to further vocational training at the Residential School for both students and adults.

This was the resolution as it stood at the time of our meetings. Since then, we have learned that classrooms will not be built near the existing Residential School, because of water shortage and fire hazard. A new classroom block will be built, as a Day School, at a new location.

But this reserve, will still need desperately a Residential School. Indian School Inspectors, in the past two years, have fully realized and stated this need. There are on the reserve some 52 needy families, most of these on relief. Add to these, the usual number of families who for other good reasons desire to place their children in residence, and we would easily have 60 to 70 families to accommodate in a Residential School.

Resolution:

Whereas the existing facilities have repeatedly been deemed unsatisfactory,

—We now request that a new residential establishment be built at the same site as the proposed classroom block, to be operated by the management of the present Sacred Heart Residential School.

Conclusion:

With this, may I close now, hoping that we of the Catholic Indian League of Alberta may have been of some assistance in enlightening your deliberations, hoping too that all the members of this Joint Committee will see this as the expression of the people, of the Indian people, whose destinies you have been called upon to shape. May you hear their voice.

I thank you.

Mrs. L. Potts, Secretary,
Catholic Indian League of Canada.

APPENDIX "P5"

Submission by Chief Mathias Joe, Squamish Indian Band, British Columbia.

Lower Capilano, North Vancouver, B.C.,
October 7th, 1959.

Noel Dorion, Chairman,
Joint Committee of the Senate,
House of Commons on Indian Affairs.

Sir;

This is my complaint to the amalgamation of the Squamish Tribe which has been going on so many years. As there was an agreement which was made by the Indians of Squamish Tribe, about 24 different reserves got together as so called amalgamation. To help one another of their troubles of there lands. There agreement was drawn up so carefully which it took us 5 years to get this different reserves together. To so what was right to save lot of trouble of our land. But it never stand on this agreement, after the old timers, the old chiefs, that made the agreement together in power. Ans as I said the old chiefs, all passed away of death. Their has

been a new councilers which has been elected by nomination, when each originally counciler passed away, they were chiefs. Which hold inherited rights, as I said the new councilers they are not inherited right. By a word of a letter from Duncan Scott, the late Suncan Scott. Which reads the Indian agent would be the chairman to hold the chair, for time being.

This Indian agent represents the Indian Department, he has more to say about resolution. He makes the word himself, not according what parliamentry rules would say. That's why we have no power to lead the way it should be done the rightenous. When there is an election of a new counciler it's done by the clinks. And is headed by the Indian agent of Indian Affairs. The Indian agent sets his own way of selecting of committees of different items. The chairman of such committee is appointed by the Indian agent, land and building committee. That's why we have trouble into that case.

We never adapted the new Indian act that we would elect our chief and councilers. We still hold the way we make the amalagamation, that we would have each counciler for each reserve. Now we have 16 different councilers, I believe there names would be in Ottawa. My first trouble with these councilers was my house; which got burnt in March 10, 1927. It was reported by the consent of chairman, Mr. Perry. Nothing was done they never gave me a house or anything that was lost, which belongs to my family. Lately, they gave my wife, one of the wartime houses, you all know this wartime housing was built for war warkers. I think the government condemned these houses. This house it's only good for man and his wife.

Secondly is the trouble where my home was, my land clearing 33 fruit trees, it's pretty good about 10 acres of land I use to keep horses and milking cows and other material. The councilers and chairman they destroyed my fruit trees, apples, cheeries, plums, pears and big enough garden for berry bushes between big trees. They destroyed all those things, which belong to me and the family. It was fenced right around and more fenced beyond where we use to cut hay on such as prairie land. Because my father and mother they keep 100 heads of beef cattle and more. And all the money that they got for this beef cattle they use it to there good name as Roman Catholic. Not only church, they helped to build schools for the tribe and used there money to clear land where they make village today.

Mr. Taylor was Indian agent, he make a resolution, which he worded out out himself. And he got the Indian councilers to make a motion to kick me off my land. I cannot tell you exactly how big this land that I claim my own. My people before my father become a chief in 1895, my grandfather Chief Lowe confirm-ed this land that in a meeting with his members of the Capilano family. Given this land to my father and mother. My father became a chief he build up a nice Indian village known as Capilano village. We had a church build in Capilano village. Now that resolution of kicking me out of my land, the late Andy Paull made a investigation in Ottawa some years ago, he discovered the resolution Indian agent Taylor made. Andy Paull's brother, counciler Danny Paull himself got never signed his name on that paper. Andy Paull, himself go the paper from Ottawa, some of the head man, of the Indian Affairs let him have the paper. Another counciler, Lorne Nahanee who was on the meeting personally. He refused to put his name on the paper, it's also in there. Louie Muranda says I don't know nothing about it. When that resolution was passed in our meeting, myself Chief Mathias Joe, I wasn't their, Majority of this councilers or, the yes man of the Indian agent.

Next trouble would be the forshore rights it's a big question which I have a letter from the Minister of Indian Affairs dated, Ottawa, May 28, 1959,

sighed by the Minister Ellen Fairclough. It's a very big length of letter, which it would speak for itself. It holds about 4 big question, foreshore rights, Capilano cut-off. She promised she would look into ans another question in the 67 acres parcel of lease. There is big trouble into that case. That combines the whole thing in this Ellen Fairclough letter.

My lawyer, Mr. Rhodes his pretty well familiar into my trouble, I'm willing to appear to answer every question that is written of myself. I'm not given nobody trouble because Chief Capilano, my great, great grandfather, Chief Joe Capilano, my father and I'm the son of this four big chiefs, that owns this 400 acres and more. I want this thing to be settled in the best way of the power of our government of Canada of Canada and the laws of Her Majesty Queen Elizabeth 2. That's why I want this land to be settled in the good way, because it's availuable land today. I want this land to be holding by the originally Capilano family. Today of my Capilano family we are about 100 or more in Capilano family. Hope to ask you in your good will power to the committee of the House of Parliament, the Senators and the member parliament of Canada. I am praying to you, law and to GOD to do whats right. AMEN.

Chief Mathias Joe.

APPENDIX "P6"

Submission of Ashinola Indians Lower Similkameen Band, British Columbia

To our Brief, the Joint Senate-House of Commons Committee on Indian Affairs.

HISTORY OF THE CHIEFS OF ASHINOLA

In 1809 while Ceewhilican Ashinola was chief of the Ashiola Indian Reserve, soldiers came onto his land and made camp. This is the time when the first soldiers came into the Okanagan country, and were situated on patrol where Penticton is now.

While there, two Indians killed two soldiers and took their horses, which caused the soldiers to free and the Similkameen Valley and make a camp.

Ceewhilican Ashinola while hunting for his horses happened upon the campsite, and immediately the soldiers took his as another hostile and shot him several times. Bleeding at the face Ceewhilican Ashinola took the paper from his pocket, which the authorities had given him and which indicated his position as a chief, and wiped his face therewith.

Eventually Ceewhilican Ashinola died, and the soldiers upon finding these papers realized that they had killed a chief and that the chief was not a hostile. Thus they buried him and moved on.

Some time later an Indian scout returned to Ashinola and told of the uneventful death of the chief. Thus John Ashinola and several other Indians became bent on revenge for his fathers death.

Fearing this, Mr. Haynes, an authority of the government, sent for John Ashinola. John Ashinola was brought to Mr. Haynes at Osoyoos and was held there for one month.

Everyday Mr. Haynes would talk with John, telling him that the death of his father was a grave misdeed, but avenging that wrong would not bring back his father from death. Mr. Haynes told John Ashinola that instead he should better take up his fathers reins and be the chief of Ashinola.

Thus John Ashinola in the year of 1830, and at the age of 20 years became the chief of Ashinola, and remained chief until his death in 1918.

After the death of John Ashinola, the Indians of Ashinola Indian Reserve met and decided they wanted Pierre John Ashinola, who was John Ashinola's son, to be their chief, and made a paper to this effect, which was to be sent to Ottawa, it being customary to insure the chief of his chieftanship in those days. This paper was then given to Francois Tomoykin to be mailed, but he failed to mail this paper.

Thus Pierre John Ashinola's Papers never reached Ottawa.

This was first found out by the Ashinola Indians upon the death of the chief of Similkameen Indian Reserve, chief Joseph Louis, and they also found out that they had been joined with the Similkameen Reserve somehow, and the Similkameens selected a new chief.

Thus dissention arose between the Similkameen Indians and the Ashinola Indians. The newly selected chief wanted to talk for and about Ashinola claiming Ashinola no longer had a chief of their own and that Ashinola's Reserve and Similkameen Reserve were one land.

But with the information above we the Ashinola Indians know, that the new chief is in the wrong, and that Pierre John Ashinola was selected as Chief of Ashinola in the year 1918.

The following signatures were affixed to an original paper to certify the truth of this history of the Ashinola Indian Reserve;

I Billy Kruger know the above information to be the truth and sign same for the Betterment of Ashinola.

I Michel Jack, age 94 years, do fully indorse the above as a fact and in that spirit do affix my mark thereon.

The troubles of the Ashinola Indians are as follows:

1. The grazing land of the Ashinola Indians runs from the Similkameen river to the top of the mountain on the west side of the reservation, a distance of about three miles or more and to about a 4,000 foot height on the mountain. Here is where their cattle graze. Two-thirds of the reserve here is timber mountain and broken rocks, while only one-third of this is good grazing for their cattle.

I as chief, Pierre John, have 75 or more cattle in all and my sister Mrs. Harry Robinson has about 150 high class beef cattle, white face, and we keep the regulations, and care for our cattle well, so we can sell them on the white market. The Indian agent knows of our stock. Another one of our people, who is elected chief by Lower Similkameen band has his cattle with ours and has about 100 or more, this member is Foe Dennis and has no right to put his cattle with ours.

Our living is made by raising cattle and it takes a lot of work on a high level so as to realize the most money on the Market.

2. Another complaint is that some 50,000 feet of timber has been cut down and left to lay, thus causing a hazardous condition to our cows and heifers, as it is a hole in the mountain where the creek runs, and where our cattle go to drink. The permission for to log this timber was given by a person who is known to us Indians of Ashinola, and we want an order given to have this timber removed at once. There is also a possibility that a fire could start in this timber and destroy considerable of our some 300 cattle which graze in this area. Who will pay for this loss should it happen? There is no fire Warden on the Indian Reserve.

The Indian Agent has given a permit to some body to log off the lower part of the reserve on the east side towards the river.

3. Then there is the cutting of Christmas trees. Large trees are being cut down and just the tops cut off and used, the balance of the trees being left lying there. This has been going on for three years. The last outing was all wasted because they were not sold. The cutters were told not to, yet they went ahead and cut. On this land we have gates to keep our stock in so they would not stray from this said land.
4. Another complaint is that on another part of our Indian Reserve, Numbers 12 and 12A, there is a white man that lives near, and who is using part of our reserve for his stock. It is quite a large piece of range that this man is using for pasture. The Indian affairs in Ottawa should know this if there was a report sent in from the Indian Agent in our district. We need these ranges for our own cattle, and we could pasture some 100 beef cattle or more.

Thus we are making a report to The Parliament of Canada and the government, to the Committee of the House, the Chairman Mr. Gladstone, and his members of this committee.

We feel as members of Ashinola Indian Reserve No. (9-1013, 10, 10A, 11, 12, 12A) of our land which we owned before the white man came, and this land that was set aside by your government of Canada, and a promise of Queen Victoria under the British North American Act, it was found by the commissioners in the early days, that is why we are located here at the agency.

In the year 1923 Chief Loui was made chief and some of our people weren't present. It was not until 1933 (a period) of 10 years that we found out that we were amalgamated with the Lower Similkameen. It was in the year 1950 we of the Ashinola started to work on this problem. In all this time we have Chief Pierre John who did not sign or agree to be amalgamated with the lower Similkameen and we want to be left as individuals on our reserve and be independent from the amalgamation.

SIGNED BY: Chief John
 Chief on Ashinola
 Sister—Mrs. Harry Robinson
 Nephew—Lawrence Pierre Tomaykin
 Selina Dianna Tomaykin

APPENDIX "P7"

Resolutions of the Western Archaeological Council

GLENBOW FOUNDATION
 A Charitable Foundation

Phone: AMherst 9-6941

626—13th Ave. S.W.,
 Calgary, Alberta
 December 5, 1960.

Honourable Senator James Gladstone,
 Parliament Buildings,
 Ottawa, Ontario.

Dear Senator:

At a recent meeting of the Western Canadian Archeological Council, the delegates unanimously approved a resolution urging the Joint Committee of the House and Senate to provide legislation protecting archeological sites on Indian Reserves. This resolution is Section 4, on page 3 of the attached copy of resolutions.

The need for such legislation is particularly apparent in British Columbia, where reserves were established on locations of long and intensive prehistoric occupation. But the need is equally great for reserves in other Provinces, if the archeological heritage is to be preserved.

We hope that, in the public interest, you will give some consideration to the regulation of archeological excavations on Indian Reserves.

Sincerely yours,

WESTERN CANADIAN ARCHEOLOGICAL COUNCIL,

RGF:cm

Richard G. Forbis, *Secretary*.

THE WESTERN CANADIAN ARCHAEOLOGICAL COUNCIL

being an assembly of representatives of those institutions which have the most direct interest in archaeology in Western Canada, assembled in Calgary September 7-10, 1960 on the invitation of the Glenbow Foundation for the purpose of discussing "The Present State of Archaeology in Western Canada"

hereby constitutes itself as an organization to be known by the above name, and appoints Dr. Richard G. Forbis as its secretary.

and passes the following resolutions:—

1. Regarding federal legislation

RESOLVED that the Council petition the Government of Canada to assume fully its responsibility for the protection of our national archaeological heritage, by passing legislation which will give effect to the principles and norms formulated in the *Recommendation on International Principles applicable to Archaeological Excavations*, adopted by the General Conference of UNESCO on December 5, 1956.

Without affecting the generality of the above, the Council specifically directs the Governments's notice to the following sections of the Recommendation:—

"Each member state should ensure the protection of its archaeological heritage" (section 4), should "make archaeological explorations and excavations" (5a), should "define the legal status of the archaeological sub-soil" (5e). The national archaeological service "should be a central State administration. . . . provided by law with the necessary means for carrying out any emergency measures that may be required". Steps should be taken to ensure "the regular provision of funds" e.g. "(ii) to carry out a programme of work proportionate to the archaeological resources of the country, including scientific publications".

Furthermore, the Council points out that federal legislation is necessary to protect archaeological remains on lands (a) under direct federal jurisdiction, (b) on Indian Reserves, and (c) on areas threatened with destruction by power projects or other developments being accomplished all or partly under federal jurisdiction

2. Regarding Provincial Legislation:

RESOLVED that the Council endorses British Columbia's *Archaeological and Historic Sites Protection Act, 1960* as a model of legislation for the regulation and protection of archaeological and historic sites, and commends it to the attention of all provincial legislatures and the Government of Canada, urging the earliest possible enactment of similar legislation.

that copies of the above Act be sent to the appropriate provincial and federal authorities for their information and guidance, and

that this Council emphasizes the fact that the proper administration of such law requires an adequate, professional archaeological staff.

3. Regarding training of archaeologists.

RESOLVED that the Council urge the Universities in Western Canada and those others concerned with the prehistory of this area to offer as soon as possible full programmes in Archaeology, in order to relieve the present serious shortage of trained archaeologists and to provide personnel for the rapidly-developing programmes of prehistoric and historic archaeology in this area.

4. Recommending a change in the Indian Act.

RESOLVED that the Council recommend to the parliamentary committee which is meeting to consider changes in the Indian Act that an addition be made to that Act for the purpose of protecting and regulating the excavation of archaeological sites on Indian Reserves.

5. Commendation and thanks to the Glenbow Foundation.

RESOLVED that the Council expresses its unanimous conviction that, in sponsoring this conference, the Glenbow Foundation has made an extremely valuable and significant contribution to the development of Canadian archaeology. The Council offers its sincere thanks to the Foundation for its hospitality, and especially to Dr. Richard Forbis for the capable manner in which he performed the functions of host.

1960-61



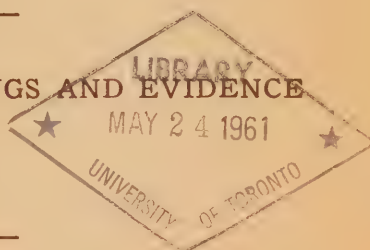
Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8



TUESDAY, MAY 2, 1961

WEDNESDAY, MAY 3, 1961

WITNESSES:

Mr. H. M. Jones, Director of Indian Affairs Branch; and Mr. Jules D'Astous, Chief, Agencies Division, Indian Affairs Branch.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Mr. J. N. Ormiston,
Mr. F. J. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

ORDER OF REFERENCE

HOUSE OF COMMONS
MONDAY, May 1, 1961

Ordered,—That the name of Mr. Ormiston be substituted for that of Mr. Robinson on the Joint Committee on Indian Affairs.

Attest.

LÉON-J. RAYMOND,
Clerk of the House.

MINUTES OF PROCEEDINGS

TUESDAY, May 2, 1961
(12)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, MacDonald, and Smith (Kamloops). (3)

The House of Commons: Messrs. Badanai, Baldwin, Cadieu, Charlton, Fane, Grenier, Henderson, Horner (*The Battlefords*), Howard, Martel, Ormiston, Small, Stefanson, Thomas, and Wratten. (15)

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. C. I. Fairholm, Executive Assistant to the Director, Mr. Jules D'Astous, Chief, Agencies Division; and Mr. W. J. Brennan, Assistant Chief, Agencies Division.

Mr. Grenier referred to several recommendations of the Steering Committee dealing with the brief and letter from the Oka Indians (Montour), and also the tentative schedule of committee sittings.

*Agreed,—*That the brief of the Oka Indians (Montour) be printed as an appendix to this day's evidence. (*See Appendix "Q1"*).

*Agreed,—*That the tentative schedule of sittings be Tuesdays—9.30 a.m. and 2.30 p.m.; Wednesdays—2.30 p.m.; and Thursdays—9.30 a.m. and 2.30 p.m.

Mr. Grenier read the order of divisional presentations to be heard from the Indian Affairs Branch which will then be followed by the Indian Health Services Division.

Mr. Howard raised the matter of the Committee dealing with the B.C. land question, and Mr. Grenier advised that this subject would be dealt with at a subsequent meeting.

Mr. Jones read a brief dealing with general observations on Indian Affairs administration, copies of which were distributed to the members of the committee together with an organization chart of the Indian Affairs Branch.

Mr. Jones was questioned on the above-mentioned brief and supplied additional information thereon.

*Agreed—*That the brief of the Communist Party be retained with the records of the Committee.

The questioning of Mr. Jones being continued, the Committee adjourned at 11.00 a.m. until 2.30 p.m. this day.

AFTERNOON SITTING

(13)

The Committee resumed at 2.30 p.m., the Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators Gladstone, MacDonald and Smith (Kamloops). (3)

The House of Commons: Messrs. Barrington, Cadieu, Charlton, Fane, Grenier, Martel, Muir (Cape Breton North and Victoria), Ormiston, Small, and Wratten. (10)

In attendance: Same as at morning sitting.

The Committee resumed the consideration of the brief presented by Mr. Jones; he was further questioned thereon and then permitted to retire.

Mr. D'Astous, Chief of Agencies Division, was called and he read a brief dealing with "Problems in Field Operations".

The questioning of Mr. D'Astous being deferred until the next sitting, the Committee adjourned at 4 p.m. until 2.30 p.m., Wednesday, May 3.

WEDNESDAY, May 3, 1961.

(14)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 2.30 p.m. this day. The Joint Chairman, Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Horner, Inman, MacDonald.—(3).

The House of Commons: Messrs. Badanai, Barrington, Charlton, Fane, Grenier, Howard, Korchinski, Leduc, McQuillan, Ormiston, Small, Stefanson, Wratten.—(13).

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. Jules D'Astous, Chief, Agencies Division; Mr. W. J. Brennan, Assistant Chief, Agencies Division; and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee considered the brief presented at yesterday's sitting by Mr. D'Astous page by page; he was questioned thereon and also submitted additional information.

The questioning of Mr. D'Astous being completed, at 4.00 p.m. the Committee adjourned until 9.30 a.m. Wednesday, May 4th.

M. Slack

Clerk of the Committee.

EVIDENCE

TUESDAY, MAY 2, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Gentlemen, we have a quorum and we will start right now. At the steering committee meeting last Thursday it was decided to refer the following matters under discussion to the main committee:

- (1) A letter and brief from the Oka group headed as you know by Chief Montour. They say that their lawyer, Mr. Colas, who spoke on their behalf did not present their brief as he wanted. The steering committee recommends that their brief be printed as an appendix.

Is that agreed?

Agreed.

The JOINT CHAIRMAN (*Mr. Grenier*): They have already been heard, as you know, through their lawyer.

Mr. HOWARD: With respect I must apologize for not having been at the steering committee. Apparently they could not get in touch with me, and I did not know where it was. I did not realize it until this morning. I was talking with Chief Montour who, apparently, had written this particular letter to which you refer. It would seem to me that perhaps because they are close to us and only 50 to 60 miles away it might be wise not just to print their particular brief, but to allow them to come here before the committee again.

If they feel that unfortunately their representative, Mr. Colas, did not deal with the particular points they wanted him to deal with, they might appear again.

As Chief Montour personally explained to me, they did not see the brief he had prepared until the morning they were here, and did not have an opportunity of agreeing or disagreeing with him over it. In this particular case, without any expense to the crown or the committee in regard to travelling and so on, we might afford them an opportunity of appearing again. It would be one more additional meeting. We did this in the case of the native brotherhood of British Columbia in which case they appeared a second time at no expense to the crown.

Mr. BALDWIN: I sympathize with the point of view expressed by Mr. Howard, but I think there was a distinction in the case of the native brotherhood. They made a point that something had arisen since they came first, something which was new and which had not been dealt with, and that was the reason why they asked to be allowed to appear a second time before the committee. It was because of the new point which had arisen. I was here for part of the time when the brief was presented by Mr. Colas on behalf of the Oka band. They were here then and they had an opportunity after he presented the brief and before the proceedings closed to indicate to the secretary or to the chairman that they were dissatisfied and wanted to pursue it. I feel this, that many of the briefs have been presented by representatives, other than by the band or members of the band—by someone they have engaged to present them—and if they all take the position that they are dissatisfied with the method of presentation or with the contents, they could use this as a precedent to say they wanted to come back and bring up matters

which were not discussed with the committee before, or suggest that the method of the presentation was unsatisfactory. Therefore, while we should certainly receive the brief and consider it closely, I think hearing them again would create a precedent which might have unfortunate repercussions.

The JOINT CHAIRMAN (*Mr. Grenier*): As I remember that particular case, we took a precaution in asking if Mr. Colas was really representing the Oka band. I remember that very well. I remember that we also asked Chief Montour if he was representing the band. I think there were three or four of them here. We asked them if they were representing it, or if they were elected chiefs of the band. They told us: "No," and they told us there were only six or seven with the elected chief and they were representing the great majority of their band. I have had a look at this and I think it refers to about the same matters as were contained in the first brief presented.

Mr. CHARLTON: Subsequently it was pointed out that 72 had voted at the last election for a council there. That represents almost 300 in that band, whose representatives are voting for the band council.

Mr. HOWARD: I do not want to get into a discussion as to who represents whom, or how many people are represented, but I do not think it is a fact that the native brotherhood of British Columbia asked to appear a second time because of something new which had arisen since the first time they were here. That is not factual. When Dr. Kelly and Mr. Robert Clifton, the then president of the Native Brotherhood appeared before this committee at the first session, when we had the first meeting, they dealt specifically with matters that were raised a second time during this session. It was not a new matter that had arisen, but a thing which was in existence and was a problem for some time. Therefore, I do not think we can use this difference or say that this is not new and say that when the Native Brotherhood was here it was a new matter. It was not a new matter but something which had arise long before.

Mr. BALDWIN: My recollection may be faulty, and I may be thinking of another organization, but my recollection is that it was a question of the health benefits, and they said that something had come to their attention since the presentation of the last brief which made it necessary to present this new evidence. I think we were considering what principle should be applied because a number of representations had been made from other groups who wanted to present second briefs. We decided that if it were established that something new had arisen, we would let them appear. I am sure that is what was in my mind when I said that as far as the Native Brotherhood of British Columbia were concerned I would be in favour of their appearing.

The JOINT CHAIRMAN (*Mr. Grenier*): That is the reason they gave when they wrote the committee to ask for a second hearing.

Mr. HOWARD: If you check the minutes of that original meeting at which the Native Brotherhood appeared, at which Mr. Kelly and Mr. Clifton were present, they dealt with health services, and Mr. Jones was called in and there was some disagreement as to whether a 12 month or 18 month period of absence from the reserve applied, and whether they were covered or not. This was dealt with. To me it was not something new, and to them it was not something new. However, I do not want to pursue that particular point. I merely want to mention that point in the interests of the Oka people. We should appreciate, perhaps, how reluctant they might be to disagree publicly with the person representing them at that particular time, and perhaps it is something that should be considered. That is why I raised it.

The JOINT CHAIRMAN (*Mr. Grenier*): I believe there is. I do not have the letter in front of me. But that is the reason they gave when they asked the committee for a second hearing.

Mr. CHARLTON: There is a letter on file from them.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes. That is the reason they gave.

Mr. STEFANSON: On page 22 of the proceedings the joint chairman, Mr. Grenier, asked:

Would you tell the committee, then if you represent the elected council of the Oka Indians?

Mr. Colas replied as follows:

Mr. COLAS: I represent both, because I have been told by Chief Montour, as well as Mr. Gabriel and others that they would like me to speak for both of them.

Is that correct, Chief Montour?

Chief JAMES MONTOUR: Yes.

It is very evident here that he represented all the factors.

The JOINT CHAIRMAN (*Mr. Grenier*): Besides that there is a matter of precedent. At the last committee meeting we decided that we had finished with the hearing of outside organizations. I believe if we gave them permission to be here again, some other group might ask to be heard again also.

This morning we are ready to start with the departmental officials and to carry on with them until we get to the act itself. We wanted to refer it to the committee, so it is now up to the committee to decide.

I believe it refers to the matters that are contained in the first brief, and I believe that if it were printed as an appendix, all the members of the committee could refer to it.

Mr. MARTEL: Might we ask them whether they want to present their brief in person, or to have it printed as an appendix?

The JOINT CHAIRMAN (*Mr. Grenier*): We have.

Mr. MARTEL: They have already been here.

The JOINT CHAIRMAN (*Mr. Grenier*): Is it agreed that their brief be printed as an appendix?

Agreed.

(See appendix Q1)

The JOINT CHAIRMAN (*Mr. Grenier*): Your steering committee recommends the following schedule of sittings: Tuesday at 9:30 a.m. and 2:30 p.m.; Wednesday at 2:30 p.m.; and Thursday, 9:30 a.m. and 2:30 p.m.

Mr. BADANAI: Would that not conflict with other committees?

The JOINT CHAIRMAN (*Mr. Grenier*): The Senate does not sit on Mondays and Fridays. So we have to carry on these three days I have mentioned.

We cannot sit in the morning on Wednesday because of the caucus, so we are only left with Tuesdays and Thursdays.

Mr. BADANAI: Has any consideration been given to Col. Jone's suggestion made at the last meeting to the effect that a meeting be set aside in order to have some senior official of the department explain to us about treaties?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. BADANAI: Thank you very much.

The JOINT CHAIRMAN (*Mr. Grenier*): Is it agreeable to the committee to hold sittings on those days?

Mr. HOWARD: I am in an unfortunate position of being sort of dissident to the steering committee, because at earlier meetings I was not able to be present. But we have met on Wednesday mornings before. I would prefer that we should meet in the morning rather than in the afternoon when there is a conflict with sittings in the house. I say this for personal reasons, because there is a conflict of time and of interest in these things, and I am sure that other hon. members will find the same thing.

It is unfortunate that we cannot meet on Mondays and Fridays, but if we could meet five mornings a week at 9:30 each morning, we would put in the same amount of time and still not be in conflict with meetings of the House of Commons.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes, but the Senate does not sit on Mondays and Fridays, and we have to have some representatives from them.

Mr. HOWARD: Perhaps we might arrange for the Senate to be more assiduous and meet on Mondays and Fridays as well.

Mr. BALDWIN: That is a little beyond the scope of this committee, I am afraid.

Mr. CHARLTON: The Senate does not sit on Mondays and Fridays, even though there are Senators here in the house.

Mr. HOWARD: And that would help the "T to T" boys as well.

Mr. THOMAS: What about Wednesday morning? As far as I am concerned that is just as good as Wednesday afternoon.

The JOINT CHAIRMAN (*Mr. Grenier*): Caucus meetings are being held at 9:00 o'clock on Wednesday morning.

Is it agreed as to these hours of sitting?

Agreed.

Mr. HOWARD: Subject to my disagreement, of course.

The JOINT CHAIRMAN (*Mr. Grenier*): I shall now give you a list of the order of the departmental representations. First we shall hear from the director general on general observations. Next, we shall hear from the chief of the agencies division. Following that, we shall hear from the senior administrative officer, of the administration division. Following that we shall hear from the chief of the welfare division; then from the chief of the economics development division; then from the chief of the reserves and trusts division; then from the chief of the education division, if required; then from the chief of the engineering and construction division, if required; and finally from the special assistant on the subject of enfranchisement.

Next, referring to the matter which was mentioned a few moments ago, we shall have an official come to give some explanation to the committee on those three days, and after that we shall have the Department of National Health and Welfare when we shall hear first from the Hon. Waldo Monteith, and then from Dr. P. E. Moore, the director of Indian and northern health services.

This morning we shall now call on Col. Jones.

Mr. HOWARD: I recall that at one of the steering committee meetings last year, when the Hon. Mr. Dorion was chairman—this was before your time—the matter was raised about the so-called British Columbia land question, and the dispute about the agencies in British Columbia as they applied to the land there because of a treaty being in existence. Col. Jones undertook at that time to prepare an historical review of this particular question. I wonder if this might not be a subject matter which would be dealt with as well?

The JOINT CHAIRMAN (*Mr. Grenier*): I wonder if Col. Jones intends to deal with it this morning.

Mr. H. M. JONES (*Director of Indian Affairs Branch*): No, Mr. Chairman, I am not prepared to deal with it. It is too technical a subject for me to deal with offhand. But we would be glad to have an official do so on a designated day.

The JOINT CHAIRMAN (*Mr. Grenier*): Yes. This could be added to the list.

Mr. BALDWIN: I am sorry that I missed the last steering committee meeting, but there is a question which Mr. Howard brought up on a point raised

in connection with the Oka Indians. I am referring to matters for which some legal assistance might be of help to us.

It was a point which many of the tribes have taken up, that is, the section in the treaty which says that there should be a medicine chest available at each agency; and also there is the question of what are the hunting and fishing privileges which now go to Indians in those provinces where the natural resources were alienated.

I wonder if at some time possibly legal council for the department might come to explain to us in the light of the representations that have been made, just what the situation is with regard to these issues? They are all legal, and I think the one you brought up went to the Privy Council. They are all fairly interesting, and they all form a part of the representations made by the various groups.

The JOINT CHAIRMAN (*Mr. Grenier*): If any member of the committee has any special matter on which he would like to have legal advice or further explanation, he could always bring it to the attention of the committee when we would try to arrange some hearings on it.

I shall now call on Mr. Jones, director of the Indians Affairs branch.

MR. JONES: When I spoke to you in June 1959, you had before you a review of activities which we had prepared indicating some of the major activities in recent years. I think you will have been struck by three main things that are very apparent from an examination of the information provided. First, the tremendous growth that has taken place in the Indian population; secondly, the greatly increased expenditures that have been made on their behalf and thirdly, the changing pattern of organization and staff required to provide necessary services.

The impact of a sharply rising Indian population is having a decided effect on every aspect of our administration whether it be education, housing, resource development or public assistance. One of the striking things is the number of Indians who are in the younger age group whose future still lies before them and for whom there is opportunity for advancement.

Coupled with this population expansion there has been an increasing demand for services of all kinds and this is reflected in the increased expenditures which have gone from \$10 million in 1948 to nearly \$50 million now. The population increase alone does not account for the total increase. Part of it is a result of inflation. However, much of it represents better facilities and services which simply were not available to the Indians before.

A larger population and a broadened and more extensive program of assistance has meant a larger staff to do the job. It was also found necessary to decentralize operations to meet regional differences and problems and to bring in specialized personnel to cope with the growing range and complexity of activities. The greatest increase has been in teaching staff as a concerted effort was made to bring educational opportunities within the range of all Indian children in Canada.

Until quite recently Indians were excluded from many general welfare programs provided for all other Canadians. Indians, however, did participate in family allowances which were introduced in 1945. In September of 1948 the department introduced a special program of allowances on behalf of aged and blind Indians because the old age pensions legislation of that era specifically excluded persons of Indian status. This program was maintained until 1952 when the Old Age Security, Old Age Assistance and Blind Persons Allowances Acts came into force, which made no distinction in so far as Indians were concerned. Since then Indians have been increasingly recognized as having the same rights as citizens of the provinces and of Canada and now

share fully in such programs as old age security, old age assistance, blind and disabled persons' allowances, hospital insurance, unemployment insurance and, in some provinces, in provincial programs of supplementary allowances and of mothers' allowances.

That they should share seems quite common place now in our thinking, but let me say this: the inclusion of Indians in these social welfare programs represented a major change in thinking and treatment at both the provincial and national levels. The Indians were finally being recognized as not being something apart but as our first citizens who should be treated with equality and entitled to all the benefits accepted and enjoyed by Canadians of other racial origin. Thus, bringing the Indians into the fold represents one of the major achievements of all those who have laboured, both Indian and non-Indian, for equality of treatment. I believe the progress that was made may not have been so rapid had it not been for the public examination of Indian affairs which the previous joint committee undertook in the years 1946 to 1948.

While the extension of welfare services was a major factor from 1948 to about 1955, there was another important field which was given emphasis and that is education. Here the administration was faced with a real problem. There was simply no school accommodation for literally thousands of children and the number of school age was increasing each year. Our main task, therefore, was to find a seat for every child and teachers to teach them. This represented a tremendous challenge. Architects and engineers were at a premium. There was a growing national shortage of teachers and schools most often had to be built in the remote and isolated areas of Canada with attendant transportation problems and difficulties in recruiting staff. We have come a long way in the last 12 years. Where there were 23,000 going to school in 1948, there are now over 43,000. Of this number, what is most significant is that over 10,000 are going to non-Indian schools. This too, I think, has come about largely as a result of the report of the joint committee on Indian affairs in 1948 which recommended the desirability of having Indian children educated, wherever possible, with non-Indian children. While much has been done, there is no room for complacency. We still have to build a good many schools and obtain accommodation in non-Indian schools to overcome the remaining backlog and meet the demands of the large pre-school-age group. However, it seems to me that this is our easiest task. The big challenge will be to see to it that every Indian child who is capable goes on to secondary and higher education. The educational level of the Indian people must be raised if they are to take advantage of the many opportunities available to them. This is not a problem peculiar to Indian youth but it is none the less basic and urgent. Children must start school earlier in life and stay longer.

While looking to the interest of those who can profit by academic courses we must not forget that other group, at present so large, who have left school or will likely do so before attaining even a grade 9 level of education. Without any saleable skills, and ill-prepared to take further training, they face an unpromising future. There has been much talk recently about the large number of non-Indians in the 16 to 20 year age group who have no skills and find it extremely difficult to get satisfactory employment. How much more difficult it is for the young Indian girl or boy in this category.

There is no easy solution and we can offer no panacea for it. However, there are some constructive steps that we are taking and will continue to pursue with vigour. First and foremost, we must encourage the children to go on to school as long as they can by enlisting the support of parents, band councils and community organizations. We simply must get more children to attain a minimum standard of education which will permit them to enter provincial vocational and technical schools so that they can get the kind of training they need to obtain and hold jobs. Secondly, we must expand, as

rapidly as possible, the upgrading courses which we have been trying out on an experimental basis in the last year or so and which have proven to be so successful. This is designed for those who have already left school so that they can take advantage of further training to fit them for employment. Thirdly, we must continue on and extend short courses in such things as farm mechanics, welding, carpentry, prospecting, guiding and other training which may help to improve the skills of the Indian people.

Closely related to this field is the impetus now being given to economic development. It seems to me this is one area where much might be done in the immediate years that lie ahead. It was for this reason that two years ago steps were taken to establish a division of the branch which would be concerned primarily with the development of both the human and natural resources of the reserves. We recognized that some of the reserves were just not adequate to support the existing population, much less what seemed to be a rapidly rising population on almost every reserve. In addition, there was growing evidence of population pressure on existing game, fur and fish resources which would make it even more difficult for some Indian groups to gain even a minimum livelihood from their traditional pursuits. Many of them seemed to be turning further afield in search of work. The trend was to some of the larger urban centres. Many of them were ill-prepared to make the adjustment without a helping hand. It was to meet this need of the off reserve movement of Indians that our placement program was started in a modest way in 1957. Our main aim then, as it still is, was to get Indians into permanent employment by careful selection of applicants and liaison with employer groups.

In order that we might proceed on the soundest basis we have embarked on local labour force surveys so that we might be able to find out just what skills the Indians do have and where they are located so that these can be drawn upon whenever there is a demand for labour. You will be hearing more about this when the chief of the economic development division is before you.

In addition to labour force surveys we are increasingly aware of the need for obtaining an up-to-date inventory of reserve resources. We recognize that there is not only need to obtain data on the agricultural potential of reserves but also find out what the timber resources are on the reserves. We have already started to obtain an inventory of the forest resources on reserves in British Columbia. Under the supervision of a forestry consultant, surveys were commenced in 1958 and the work was continued in 1959-60. Surveys of this kind are necessary in order to prepare proper management plans, and it is expected that more will be done along this line in the next few years when economic development aspects will be given added emphasis. In all this we will endeavour to use to the fullest extent possible the services of federal and provincial agencies.

There is, of course, a limit to what government by itself can do. All our efforts and even the best conceived plans will fail if the Indians are not drawn into programs in some way. I think we must recognize that it is not enough to do something for Indians; we must be prepared to work with them. Unless the Indians themselves come to understand the need for better education, better housing, better sanitation and indeed a better community and want of their own accord to obtain these things because they feel they should have them, rather than because it is something that the non-Indian believes is good for them, very little progress will be achieved. Therefore, some of the most fruitful areas in which progress can be made will be in those where the Indians can undertake a greater measure of responsibility and control in the conduct of their affairs.

I think members of the committee will have been impressed by the high caliber of many of the Indian spokesmen who have appeared here and by the fact that there appears to be an almost overwhelming desire, nay even demand, for a greater voice in running their own affairs. That there is such a demand is a good thing for I think it reflects a very healthy attitude on the part of Indian leaders and also indicates growing confidence and ability to assume control of local administration.

Much has been done in recent years; the councils are learning to manage band business. It was only a few years ago that there was only a handful of band councils submitting annual budgets; now there are something like 200. A start has been made on transferring control over the expenditure of revenue moneys and while only a few have taken advantage of the provisions of section 68 of the act to do this, nevertheless the future trend is clear. More and more bands will be assuming control over their revenue moneys and paying their own bills by cheques drawn on local banks.

It seems to me that as this trend continues the main function of our agency staff should become largely advisory. In some cases this point is already being reached in some areas. The time may not be too far distant when we will be able to consider first of all a halt to any further staff expansion at the local agency office and later a gradual withdrawal of staff so as to let the Indians operate their reserves increasingly by themselves.

Now that the threat of compulsory enfranchisement has been removed through the recent amendment to section 112 of the Indian Act, there should be no fear on the part of the Indians to take over a greater measure of responsibility. However, it seems to me there should be some incentive given to the Indian bands to take on increased authority. Certainly at present there is some reluctance on the part of many bands to take on responsibilities which are now being performed by agency personnel because of the time involved by members of the council and the lack of remuneration for their services. I would hope that the committee would give some consideration to the ways and means by which the transfer of responsibility might be provided for and encouraged. As I envisage this it would possibly involve at the beginning the provision of a band council secretary and later other band officials to carry out specific administrative duties relating to the community.

I should like to turn now to another matter on which I should like to present a few thoughts and that is the extension of provincial services to Indians. I think the Committee will recall that in a number of briefs and also from oral presentations and questioning of witnesses, the view was taken that Indians should receive the same treatment and benefits as other residents of the province in which they live. In other words the time is coming when Indians must be looked upon as full-fledged citizens of their own province.

There has been I think increasing recognition of the fact that Indians must be looked upon as full participating members of the larger provincial community. The vote has been extended to them in many provinces; they are entitled to receive social welfare benefits in which costs are shared by the federal and provincial authorities. There are an increasing number of Indians going to non-Indian schools. These are but a few examples of a trend which is bound to continue. This is all to the good.

The extension of provincial services to Indians raises problems which are largely financial. The federal government has assumed most of the financial responsibility for providing services to Indians, whereas in the case of other citizens they look to the province and local municipality for them.

I think the extension of provincial services and jurisdiction must eventually come. I do not believe that Indians can be treated as a people apart indefinitely. There must come a time when they are accepted fully into the larger community. This most likely will be a gradual process but we must do all that we can to expedite the process in sound and orderly stages.

The process must be developed by stages and there is one field in particular where I believe it might come first. I would suggest that this is in the field of welfare.

This seems to be an area of responsibility where the provinces, if they were willing to do so, might well be able to take over the responsibility for the complete administration of welfare services to the Indian population of their province on the same basis as to other citizens of the province. This would have to be done, of course, on a basis that would adequately protect the position of the Indian people. The views and any recommendations that the committee might wish to make on this important subject would be most helpful.

These are a few of the general remarks I wanted to make before you started to go into the detailed examination of branch administration. At a later stage when the Indian Act is being reviewed I should like the opportunity of presenting some suggestions regarding possible amendments.

I thought that perhaps we might start by dealing first with field organization and the work of the agencies division, to be followed by the administration, welfare, economic development and reserves and trusts divisions. There may be some further questioning regarding education which was reviewed in June of 1959. This could be fitted in and also at the same time the work of our engineering and construction division could be outlined as it is closely related to the construction phase of the educational program.

Before we have the chief of the agencies division present his remarks it might be useful to members of the committee to have a brief outline of the organization of the branch. The basic structure of the branch is set out in the organization chart, a copy of which is being made available to you.

In brief, the main functions of each headquarters division are as follows:

The agencies division is in charge of general field administration through regional offices and local Indian agencies and maintains liaison with Indian and northern health services, Department of National Health and Welfare.

The administration division is responsible for normal administrative services, branch estimates, Indian band council elections, council procedure and by-laws, and general law enforcement on reserves.

The welfare division is concerned with all matters pertaining to the welfare of Indians, including housing, relief assistance, child care and care for the aged and helpless, rehabilitation, social work, leadership training and the fostering of homemaker's clubs and other welfare organizations of Indians.

The economic development division is concerned with all phases of Indian employment, the management of fur, fish and wild life resources, and the promotion of agricultural, handicraft and other activities. It administers a revolving loan fund, Veterans Land Act grants on reserves, and other forms of financial assistance to Indians.

The reserves and trusts division manages Indian lands, resources and band moneys, maintains a band membership register, and administers Indian estates.

The education division is in charge of the educational program for Indians, which involves staffing and operating a nation wide system of schools, negotiating agreements with local school boards for joint education of Indian children, and carrying out practical arts, adult education and guidance programs.

The engineering and construction division provides technical advice to headquarters and field staff with respect to construction specifications, design, site data and related matters on major engineering and construction projects.

Matters relating to the enfranchisement of Indians are dealt with by the special assistant.

The **JOINT CHAIRMAN (Mr. Grenier)**: Are there any questions to Mr. Jones on these general subjects?

Mr. BADANAI: I think Mr. Jones should be complimented on his very fine and comprehensive report. It is an excellent report and one of the best I have seen on Indian affairs. I would like to ask Mr. Jones which of the provinces are sharing in the welfare benefit for the Indians, and what provinces are not.

Mr. JONES: The province of Quebec provides mothers' allowances to Indian mothers entirely, and the province of Ontario partially. They are paid from provincial funds. The federal government at the present time is paying for all normal welfare services in the provinces.

Mr. BADANAI: Then you mention the revolving loan fund administered by the department. How does that operate? In my own reserve in the city of Fort William for example, I know some of the Indians have complained of not being able to obtain loans from the revolving plan. How do they go about it? Do they qualify for a loan?

Mr. JONES: There is \$1 million provided for the revolving loan fund and it is a question of the band or an individual applying through the local office. The money can be made available up to \$10,000 for an individual, a band or a group.

Mr. BADANAI: The maximum?

Mr. JONES: The loan is generally for economic purposes, not for luxuries such as radio or television sets. It is mainly for agriculture, commercial fishing, anything that will improve economic conditions.

Mr. BADANAI: That loan is made to a band, not an individual?

Mr. JONES: It is made to an individual, a group or a band. The group is three or more Indians.

Senator MacDONALD: Even if it is economical for an individual, he could not get a loan to purchase a truck or anything like that?

Mr. JONES: Yes he could.

Mr. HOWARD: I have one question to ask regarding bands administering their own affairs. As Mr. Jones has indicated, this is one approach or one channel that they can direct activities into which will bring them more into contact with other communities and towards integration and so on. As I understand it there are only two bands now who have the authority to administer their own band funds.

Mr. JONES: Oh, I think there are more than that. There are a considerable number in Ontario who have partial authority. They bring them under the scope of the Ontario Public Welfare Assistance Act where they handle their own relief entirely and they get 80 per cent subsidy—50 per cent from the federal government and 30 per cent from the province. They operate entirely their own relief problems with their own Indian welfare officer.

Mr. HOWARD: Is there any explanation or guidance or educational approach as it were through the Indian agencies to acquaint native bands with the possibility that they may be able to administer their own funds?

Mr. JONES: Yes, that has been drawn to their attention quite often. I think the speed with which it has been accepted is largely governed by section 112 of the Indian Act. There was a feeling amongst a lot of the Indians that the more successful they would be, the more they would be penalized. Section 112 has never been used by any government, but now, after its complete removal, I think you will see a big spurt forward by Indian bands to take advantage of the provisions whereby they can run their own affairs.

Mr. HOWARD: I wonder could you explain the capital account and the revenue account section of the band funds, how the money gets into each account, how the expenditures are made from each account, and so on.

Mr. JONES: There are two accounts for each band which has a fund. One is the capital account and one is the revenue account. The capital account is created by the sale of assets. Generally it is the sale of lands. That must go into the capital account. It is restricted by the Indian Act as to how the capital account can be spent. Then there is a revenue account set up into which the federal government pays the band 5 per cent per annum on the capital account. As I mentioned in my remarks, we encourage the Indian band councils to budget like an ordinary municipality, as to how much they anticipate the revenue will be, how much they want to spend on relief, how much they want to spend on roads, on band salaries and so on. More and more bands are realizing the importance of taking a good close look at their financial position. These budgets are sent up and approved and then they are spent.

Mr. HOWARD: Do I understand that the income to the revenue account is exclusively from the 5 per cent on capital?

Mr. JONES: Oh, no, rentals, probably, would be the other big item; but distinct from the sale of capital assets and anything that bands or lands can earn generally through leasing.

Mr. ORMISTON: As a new member of the committee I hesitate to ask this question lest it might not be in order. I appreciate that Mr. Jones has given a comprehensive report and has dealt with many aspects of Indian life. There is one which seems to have been omitted, that is, the liquor control question. I wonder if that was done intentionally, or if he did not want to mention it.

Mr. JONES: Not at all. After the Indian agencies division, our liquor administrative officer who is in charge of law enforcement and liquor control will be available to deal with any questions or to make some comments on that point. I would be glad to answer in general anything on liquor control.

Mr. ORMISTON: If it is going to be discussed later, I will leave it until that time.

Mr. BALDWIN: I would like to ask Mr. Jones one general question based on this brief. In page 2 he refers to the sharp rise in population. I imagine that this sharp rise in population occurs over the last ten years. I admit that would be attributable to the fact that the Indians have had available to them the benefits of the Indian health services, more and more benefits, more and more health and welfare benefits available to a larger percentage of Indians. That is one reason for the increase in population?

Mr. JONES: That is correct, Mr. Baldwin.

Mr. BALDWIN: Coupled with that, have you a percentage as to the Indians who are receiving welfare benefits in the over-all Indian population?

Mr. JONES: Do you mean on relief?

Mr. BALDWIN: Yes.

Mr. JONES: We will be able to provide that information. Of course it varies from time to time. The minister tabled a reply in the house. I can have it and we will provide that when dealing with welfare.

Mr. BALDWIN: Very well, when this comes up. I was interested in finding out what percentage, say last year and earlier years, was actually in receipt of welfare payments.

Mr. JONES: We have all that information.

Mr. BALDWIN: Without any information I think it would be safe to say there is a much more substantial percentage than in the non-Indians.

Mr. JONES: More Indians on relief than non-Indians?

Mr. BALDWIN: Receiving welfare payments—just in percentage?

Mr. JONES: Percentagewise, I would say, yes.

Mr. SMALL: In discussing part of the revenue, Mr. Jones made reference that some of it came from the sale of lands, that the problem is coming up now that the reserves are not large enough for some of the bands occupying them. How does this tie in with selling lands? My conception was that while the Indians were on reserves the land remained part of the crown land and if they did give up their territory they had to do it by surrender, or by treaty rights.

Mr. JONES: That is correct.

Mr. SMALL: How does it come about that they can sell lands?

Mr. JONES: I was giving the background on how the capital funds were created. Many years ago there was a lot of Indian lands sold but the rules governing the sale of land are the same now. There must be a surrender by the majority of the members of the band. It is very rigidly overseen, to comply with the provisions of the Indian Act. There is not very much land sold any more. There is more leasing.

Mr. SMALL: Even so, the land was supposed to be for the use of Indians. If they are renting, are they renting it to Indians or to non-Indians?

Mr. JONES: The majority of the renting is to non-Indians.

Mr. SMALL: Is not that defeating the purpose of the reserve lands, if the Indians are not able to make an existence at present?

Mr. JONES: Not exactly, Mr. Small, because there have been several schemes. Some of the Indians out west have had reserves and it was felt that if they could interest more non-Indians to come on and break up the land by taking off three or four crops and hire the Indians in the doing of it, there would be an educational factor and this money would come into the band funds. That would make available some money and the Indians could see value in operating this land by seeing it broken up, and then they would farm themselves.

Mr. SMALL: The reason I ask this question is that one of the delegations which was here recently asked for an extension of the reserves for timberlands and places where they could get land close by, as what they had was not sufficient. Do they use this money from the sale of lands to buy extra lands to make up for the lands they have sold?

Mr. JONES: The capital funds of a band can be used to purchase additional land.

Mr. SMALL: There is another question. It has reference to the final development at St. Regis on the St. Lawrence seaway. The Caughnawaga Indians had a reserve, some of which the government expropriated to make a conversion there. They took a large section away and if there was any portion of land they did not use it was to be returned to them. The St. Lawrence seaway used it and it was not turned back to the Indians. That was taken from them and in some cases they did not receive what they considered a sufficient return for the land which was taken. Certain land was held by the crown and was not returned to the Indians and they were not given other lands to take its place.

Mr. JONES: Approximately 10 per cent of the Caughnawaga reserve was taken over by the seaway. Speaking from memory, I can say there was one small parcel of land which was going to be turned back to the Caughnawaga band by the seaway if they found out they did not need it, but the majority of the 1100 or 1200 acres was all taken in by the seaway.

Mr. SMALL: Were they given any other land in compensation for the land that was taken away?

Mr. JONES: No.

Mr. CHARLTON: It would be interesting if Mr. Jones could deal with the way in which the band makes use of the capital funds. He mentioned one way, to purchase more land; but there are other things on which they can spend capital funds?

Mr. JONES: May I read section 64 of the Indian Act—on the management of Indian moneys. It says:

With the consent of the council of a band, the minister may authorize and direct the expenditure of capital moneys of the band

(a) to distribute per capita to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands,

That can form part of the surrender agreement. The section continues:

(b) to construct and maintain roads, bridges, ditches and water courses on the reserves or on surrendered lands,

(c) to construct and maintain outer boundary fences on reserves,

(d) to purchase land for use by the band as a reserve or as an addition to a reserve,

(e) to purchase for the band the interest of a member of the band in lands on a reserve,

(f) to purchase livestock and farm implements, farm equipment, or machinery for the band,

Mr. HOWARD: On the land question I would like to ask Mr. Jones this. This may vary from province to province, I do not know. If a band becomes enfranchised as an entire development, I presume they are then no longer covered by the Indian Act. What happens to the land, the reserve land, in those circumstances?

Mr. JONES: The most recent band enfranchised was the Michel band, a small band northwest of Edmonton. They proposed a plan, a committee was set up by the government under the section of the act and all the members of the band were given certain amounts of land and certain moneys. The band set up a mineral company to protect all their oil and future mineral rights and they were all given patents to the land. They were given cheques for the money. They are shareholders in the mineral company and citizens of the province, and they are no longer under the Indian Act.

Mr. HOWARD: Each individual becomes a landholder, or each head of a family, for argument's sake, became holder and had title to part of the reserve?

Mr. JONES: That is right, it was a federal land patent.

Mr. HOWARD: Is it something the same in British Columbia?

Mr. HENDERSON: This is very important in British Columbia where I am.

Mr. JONES: The procedure is the same—if the province does not become sticky over its reversionary interest in the title to the land to the province.

Mr. HOWARD: I have been told that in the case of the Metlakatla where land was concerned some years ago just outside Prince Rupert, one of the difficulties was that the province would not relinquish this reversionary right.

Mr. JONES: That is right. In Michel we cleared that with the province of Alberta and we placed no obstacle in the way of complete possession or land title to the owners of the land.

Mr. THOMAS: That is one of the questions I was about to raise. I was going to put it this way. Does Mr. Jones notice any getting away from the trend towards communal ownership by the band?

Mr. JONES: No, Mr. Thomas, not any general trend. They seem to be holding just as firmly as before.

Mr. THOMAS: The system of band ownership rather than individual ownership?

Mr. JONES: I did not get the trend of the question. I think there is a bit of sympathy towards individual land ownership rather than band ownership. You have heard from the western delegates, they like to have their land in a communal way and the individual ownership is regarded differently than it is down east.

Mr. THOMAS: Would you say that there seems to be a failure on the part of the Indians—for the bands to lose control of their property?

Mr. JONES: Yes, that is correct, particularly out west.

Mr. THOMAS: My observation of evidence that came before the committee is that a part of this fear centres around the question of land taxes. If they change their method of land ownership, this question of municipal tax comes into the calculation and up until the present time they are reluctant to become involved with land tax.

Mr. JONES: That is correct.

Mr. THOMAS: I would like a little more clarification on this matter of provincial services that is mentioned on page 6 of your brief. You mention mothers' allowances as one instance—this is extended by some provinces partially to Indians—and you mentioned the province of Ontario. Do I understand from that that the province does not extend the full application of mothers' allowances?

Mr. JONES: That is right. Speaking from memory I think the distinction in Ontario is marriage, that the Ontario welfare people draw the line at marriage, whereas in Quebec a mother is a mother.

Mr. THOMAS: How about the other provinces?

Mr. JONES: Nothing at all. There is no mothers' allowance payable to Indians.

Mr. SMALL: Has the province of Ontario discarded that legitimacy clause, that no one is reported now as illegitimate?

Mr. JONES: I did not quite hear that.

Mr. SMALL: You said that the marriage allowance is given only on the basis of marriage?

Mr. JONES: That is my understanding, that the mother must be married.

Mr. SMALL: I understand that in the province of Ontario now there is no one classified as illegitimate.

Mr. JONES: I am not so sure of that.

Mr. SMALL: It used to be stamped on the papers and I think that was the cause, but they have removed that and there is no reference now to it at all.

Mr. THOMAS: Further on the line of provincial services, can you think of any other instances other than marriage allowances, where full provincial services are not extended?

Mr. JONES: When we speak of services we mean the services on the reserve to the children, and under the unmarried parents act, things they are getting on the reserves. It is the same welfare service in that respect as if they lived off the reserve. Some provinces are hesitant about having any of their social workers go on Indian reserves. I would prefer not to set up parallel or duplicate welfare services when the province already have them. It is their responsibility.

Mr. THOMAS: Does that withholding of services apply in the province of Ontario to other than the Mothers' Allowance Act?

Mr. JONES: We have an arrangement with the province of Ontario through the various children's aid societies where, through a financial arrangement with

the federal government, the children's aid society takes over on Indian reserves. That is what we are aiming at; that those services be made available to the Indians.

Mr. WRATTEN: Are you paying the full cost now?

Mr. JONES: Yes.

Mr. THOMAS: In connection with the educational policy, I understand that a year or two ago the branch laid down a policy that no Indian child should be deprived of an education because of inability to pay, that is, that the branch makes that the policy that if a child is willing and able to go on to school, the branch will carry out the financial requirements for that child to get education.

Mr. JONES: That is correct. That is still operative.

Mr. WRATTEN: I think the big problem in regard to children's aid and welfare work done on reserves is the right type of people to go there and visit with the Indians. They seem to resent very much a white person going down to tell them how to look after children and raise a family and things like that. It is unfortunate that there are not Indian people trained in social welfare who could be hired to do the work on reserves. The whole social program would go ahead very much faster if there were the right type of person to go out and do the work—people of their own race.

Mr. JONES: I would agree with that, Mr. Wratten. We had our eyes on two Indian social workers who made excellent marks. They both went through for their masters in social work. We offered both of them jobs and both said: "No, we would sooner get experience in non-Indian communities". Fortunately we were able to get this one chap back, and he is now our senior social worker in the province of Saskatchewan, Carl Latham, who was before this committee at one time. We are trying to encourage more and more Indian young people to take up social work in order to work on the reserves.

Mr. BALDWIN: Speaking in a larger sense, I am much taken by what Mr. Jones says in his brief about the attempt to have the Indian people accepted in the larger way into the community as a whole. You refer to that in pages six and seven of your brief. That brings me back to the point Mr. Thomas raised. In your experience that can be achieved effectively so long as this land owning system is there. Before you answer, I have in mind the evidence given last year and the year before by some of the better briefs brought in by those Indians who said they could not get the benefit of the Farm Loans Improvement Act or credit corporation loans, or many such things, because of the fact that they had not individual title to land and they are not looked upon as land owners, and all these things are withheld from them. In your opinion would it be wise to try to work towards the end where this acceptance of the Indian would occur and there would be this ownership of land on a private basis?

Mr. JONES: There is no doubt about it, Mr. Baldwin, that this land ownership problem is a big stumbling block in the way of the Indians obtaining all the services that are available to other people, and which are not available to them. There is this exemption from taxation and from the seizure of Indian property. We have had discussions with the secretary of the Canadian bankers' association and it has always come back to the fact that you cannot move on an Indian reserve to seize his property.

Mr. BALDWIN: So long as they are deprived of these ancillary benefits which go with land owning people elsewhere, they are not in any full sense members of the general community.

Mr. JONES: That is correct. Amongst some of the younger Indians we could notice a feeling that there should be some way whereby an individual could

relinquish that protection under the Indian Act if he wanted to go out and borrow money, that he could voluntarily waive that immunity.

Mr. BALDWIN: Have you had any experience in connection with Indians who have left the reserve and gone on to land which they have acquired and who have become entitled to all these benefits. Would you say you have been able to follow any of these cases? Do you know what has happened in such circumstances?

Mr. JONES: I am afraid that outside of our newly appointed placement service, we have not too many records that follow Indians off reserves. They just become ordinary citizens and we do not know too much about Indians who are not on reserves.

Mr. ORMISTON: With reference to the topic of education, I wonder if Mr. Jones could tell us whether or not the curriculum used in Indian schools is the same as that used in any other local academic institutions. Just what supervision does the department of education exercise over Indian schools?

Mr. JONES: In general our Indian schools follow the provincial curriculum. Our Indian schools are all inspected by the inspectors from the provincial department of education.

Mr. SMALL: Coming back to the question about the province of Ontario, and illegitimate children, and better to qualify the statement made earlier, what did happen was that they were given a birth certificate. Now, when one asks for a birth certificate, there is no reference to the parents; they used to stamp on it "illegitimate" if the child was not born in wedlock. All that has been removed, and there is no stigma attached now to the individual born out of wedlock and no means of referring to it, in order to give the individual a chance in future life. I think you will find that that is in existence at the present time. They do not put that stamp on, and therefore, while it is recorded in law that the person was illegitimate, there is no reference to it on the certificate. There is now no singling out of the Indian, to pass that stigma on him or her.

Mr. THOMAS: I would like the privilege to make one comment in connection with land ownership based on what Mr. Baldwin and others have said. After listening to the evidence given before this committee from a great many sources, I feel that no matter how it is done we must find some means of helping the Indians within the framework of the present methods of land ownership. I think it would be a great mistake even to suggest—far from any effort to try to put pressure on the Indians—that they should give up this band ownership of land, if you can call it that, in favour of individual ownership. Any effort to do so would immediately arouse suspicion on the part of the Indians. If we are to find some means of getting to as many of them as possible, all the benefits which accrue to private land holders under our system of economy and integrate that private ownership with the band ownership of land in some way, probably it can be done. However, I do not think any pressure should be put on the Indians to get away from this band ownership—not at this time—nor should it even be suggested for the future. There must be some way around the problem. If an Indian wants to build a house on Indian land, some way should be found to provide him with the capital so that he could proceed to pay for that house without having to disturb the band's rights to hold the property on which he builds that house within the band ownership. The Indians are getting along, they are living now throughout our country under that method, they are finding ways and means of doing it, probably at the present time through the government providing the finance for housing and it goes in the form of a grant. If Indians are working in industry and have an income, I think some way should be found to allow them to build a house on Indian property without having to disturb the band ownership method of owning the land.

Mr. CHARLTON: I think Mr. Jones could explain how many bands are left in Ontario who do not have the right to a certificate of possession on their own reservations. That is, a completely band-owned land.

Mr. JONES: There are quite a few out west.

Mr. CHARLTON: Oh yes, the certificated Indians, but how many in Ontario? How many are owned in band ownership and have no location tickets?

Mr. JONES: Not many. I could find that out.

Mr. CHARLTON: I think Mr. Thomas may have misunderstood because he said that in his locality people cannot own the land. True, they do not have a deed, but they have the certificate of possession and, in fact, do own that parcel of land.

Mr. THOMAS: The point I am trying to raise is that in the eyes of the law, a certificate of location or an Indian certificate of ownership cannot in any way provide security, legal security on the land on which the house is built.

Mr. JONES: That is correct.

Mr. THOMAS: That is the problem we are up against. What I am suggesting is that we should try to find some way of providing these people with credit which is in no way tied to the land.

Mr. HENDERSON: That is pretty hard.

Mr. MARTEL: In regard to the mothers' allowances paid by the province of Quebec, would you mind telling the committee if this has been paid for a good many years, or since when do they have that right?

Mr. JONES: I would say in the last ten years.

Mr. MARTEL: On this question of education of Indian children, in regard to those who come from small bands or groups of Indians scattered around in the north country where there are no roads or railways, how are they looked after? There is not enough in number for a school to be built in an isolated area. I am thinking of the groups of the Hudson Bay area on the Quebec side of the East Main, Rupert House and farther inland at Nemaska, Waswanipi, and Mistassini. I assume there are many similar areas in the west country where there are many small groups of Indians who are isolated. I understand they are looked after by being sent to schools.

Mr. JONES: A lot of the children in the isolated areas you speak of, Mr. Martel, are educated at residential schools.

Mr. MARTEL: Outside?

Mr. JONES: That is right. If it is not possible to locate a day school due to certain circumstances where Indians are isolated, they are educated in residential schools at Fort George, at Moose Factory and the eastern part of Quebec, Amos, Point Blue and the Anglican one at La Tuque which takes care of the Mistassini and the Waswanipi.

Mr. MARTEL: At Amos they do not take the children from the west?

Mr. JONES: They will go to La Tuque.

The JOINT CHAIRMAN (*Mr. Grenier*): Gentlemen, we have received a letter and brief from the communist party of Canada.

Mr. BALDWIN: That was the one we discussed at the steering committee once before?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. BALDWIN: Did we not decide about that, with a recommendation? My impression is that we should have the brief retained as part of the record, but not necessarily printed as part of the proceedings. It is a brief from a political party. We have not had any briefs from any other political parties, and I do not know that we should establish a precedent for that now. I have read the

brief and it repeats what others have suggested. I think it should be just retained on record that we have received it, and it will be there for the consideration of the members as they see fit.

The JOINT CHAIRMAN (*Mr. Grenier*): Is that agreed?

Agreed.

Gentlemen, we will adjourn now until 2.30 this afternoon.

AFTERNOON SESSION

TUESDAY, May 2, 1961

The JOINT CHAIRMAN (*Mr. Grenier*): Mr. Joint Chairman and gentlemen: we shall carry on with Mr. Jones. But before doing so I would like to suggest that the committee proceed in a more orderly manner. This morning quite a few points in the brief were discussed and covered. However, I would suggest that we start now at page one and carry on until the end of the brief, so that every subject will be looked after.

Are there any questions on page one of the brief?

Mr. ORMISTON: I notice on page one that Colonel Jones naturally points out the fact that there are more Indians, and that larger staffs are needed. Are we having any difficulty getting trained personnel to staff these agencies? Do you feel that part of your problem arises from the fact that we have not as many trained and proper technical personnel as we could use to the best advantage?

Mr. JONES: We have been assisted a great deal in the last few years by the civil service commission and the treasury board's appreciation of the necessity of paying decent salaries, if we want to get a good calibre of Indian superintendents in the field. And as salary ranges have been raised, we have noticed that they are attracting better people.

A few years ago the financial inducement to go into the Indian service was very limited. But we keep making repeated representations to the civil service commission and the treasury board to raise the salary rates, and as we do, we find that it is an indication of attracting a better type of staff. Our staff are not 100 per cent the way we would like them, but they are moving in that direction.

The JOINT CHAIRMAN (*Mr. Grenier*): You mentioned the tremendous growth in the Indian population. Could you give the committee an idea of that growth in the last ten years?

Mr. JONES: Yes, it is three per cent cumulative each year. In 1939 it was 118,378. In 1949 it was 136,407, or an increase of 18,029, and percentage-wise, 15.23.

In 1959 the population rose to 179,126, an increase over 1949 of 42,719, with an increase percentage-wise of 31.31.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions the committee would like to ask on page one?

Mr. ORMISTON: In regard to the teaching staff, do you have difficulty in staffing your schools?

Mr. JONES: Oh yes, we do. Here again it is the old story of getting a sufficient salary scale to induce them. But I think we compare very favourably with the progress of schools of municipalities and provinces. We have never been able to recruit fully the number of certificated teachers that we provide for, and at the end of each summer there are also 25 to 30 vacancies. We tried recruiting abroad but with a limited amount of success, so we have discontinued it.

For instance, last October, I think it was, we received approval from the treasury board for another salary revision for teachers. That helped, but unfortunately it was about two months too late, because our recruiting is done in the summer. But it did help.

Mr. ORMISTON: Do you have much of a turn-over with teachers?

Mr. JONES: Not a big percentage, no.

Mr. ORMISTON: I mean in comparison with local schools?

Mr. JONES: Not especially. We are trying to provide in the isolated areas good accommodation for the teachers, with plumbing and all the amenities. We find that that is a big inducement, as well as the recommendation salarywise in relation to their certifications.

Mr. BARRINGTON: Is there any program in your department to encourage Indians to go on to the teaching profession?

Mr. JONES: Oh yes. We try to counsel them through the counselling service. We try to have more and more Indian boys and girls go into the teaching profession, because we have jobs for them. When they leave normal school, or have the required certification, we have jobs for them.

Mr. BARRINGTON: What is the attitude of the Indian people towards this idea? Do they accept it?

Mr. JONES: They accept it in the east more than they do in the west. The Six Nations stand out in that respect. I think we have all but one of the 40 teachers that are in the Indian schools. Quite a few Indian boys and girls, however, teach in non-Indian schools, but we try to encourage more and more of them. The branch has funds to help them through normal school and teachers college and to become properly certificated teachers, because we have jobs waiting for them.

Mr. CHARLTON: Have you any idea how many Indian girls and boys are going to normal school and will graduate this year, assuming, of course, they pass their examinations? I understand there is quite a bit of surplus from the Six Nations which should be available for other reserves.

Mr. JONES: Oh yes.

Mr. CHARLTON: If they wish to go to other reserves.

Mr. JONES: We have 13, according to this schedule, in teacher training now.

Mr. CHARLTON: Right across Canada?

Mr. JONES: Yes.

Mr. CHARLTON: I understood there was pretty near that many in the Six Nations.

Mr. BARRINGTON: Do you mean 13 only across Canada.

Mr. JONES: 13 are taking the teacher training course now.

Mr. SMALL: Is that enough to take care of your turnover?

Mr. JONES: No. Our turnover would be larger than that. We have 1,350 teachers.

The JOINT CHAIRMAN (*Sen. Gladstone*): These 13 teachers—are they being trained specifically with the idea of teaching in Indian schools?

Mr. JONES: I beg your pardon, but I missed the first part of your question.

The JOINT CHAIRMAN (*Sen. Gladstone*): With respect to the 13 students that you mentioned, are they ones that you know are being trained to go to teach in Indian schools?

Mr. JONES: We hope that they will, but it is purely optional on their part. Some of them take the stand that they feel they would be better off in the

early years of their teaching, by teaching in white schools, and then to come back and teach in Indian schools. But we try to start them off teaching in Indian schools. Nevertheless, it is optional.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on this subject of education?

Mr. WRATTEN: Do these teachers get any extra tax exemption?

Mr. JONES: The Indian is exempt from income tax in respect to moneys earned on the reserve.

Mr. WRATTEN: Suppose a boy or girl went and taught on a reserve, would he get a reduction in income tax?

Mr. JONES: Yes.

Mr. WRATTEN: That should be quite an incentive for them to teach on the reserves.

Mr. JONES: Yes, it is.

Mr. CHARLTON: What about those moving from one reservation to another, such as from the Six Nations? Suppose they go to another reserve to teach, would they still be tax exempt?

Mr. JONES: Yes, that is correct.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject matter is at the bottom of page one and it concerns general welfare. Are there any questions on this part of the brief, which continues on page two as well?

Mr. ORMISTON: My question is not quite relevant to the material here, but I would ask Col. Jones if he feels that the allowance or benefits or assistance should be paid strictly in cash.

Mr. JONES: We are moving in that direction. My own feeling is yes, wherever it is practicable, all benefits should be in cash.

Mr. ORMISTON: There are extenuating circumstances which we might discuss later. However, there are times when it is better to pay in commodities than in cash. Would you not agree?

Mr. JONES: Yes, I agree.

Mr. CHARLTON: That would be difficult to accomplish. Family allowance cheques, old age security, and old age pension cheques would have to be paid in cash.

Mr. ORMISTON: I was not particularly referring to that.

Mr. JONES: I think that is what you meant; by cheque rather than cash.

Mr. ORMISTON: Yes; but I was not really referring to the allowances to which the parliamentary secretary referred. I was deviating a bit.

Mr. JONES: We are moving towards getting away from payment in kind to all allowances being paid by cheque and letting the individuals handle them themselves. That is what you had in mind?

Mr. ORMISTON: Yes.

Mr. SMALL: At the bottom of page 2 you say that architects and engineers are at a premium. I suppose you would include in that nurses and so on, and getting the supply from among the Indians themselves. Is anything being done in that direction?

Mr. JONES: We are not having too many Indians go through as architects and engineers. I think we have only one who is a graduate; I think he is in the Maritimes. There has not been too much of a leaning towards those professions.

Mr. WRATTEN: I do not think he was thinking particularly of Indians here.

Mr. SMALL: No; but there is a shortage, and I thought they might be a source. There must be a certain percentage who have aptitude for architectural and engineering work.

Mr. JONES: Yes. I think in the future we probably will have more as the boys have high school training and go on to university.

Mr. SMALL: It does not say anything about nurses. It mentions the shortage of teachers in schools. The same thing would apply to nurses.

Mr. JONES: Yes.

Mr. SMALL: I think you have had pretty good success there.

Mr. JONES: We have had better success not only with nurses but with nursing aides. There is a job waiting for every Indian girl who wants to go through for nursing.

Mr. ORMISTON: We see from these figures that there is continuing integration so far as education of Indians is concerned with other citizens. Is it not part of our program to try to assimilate the Indians into our social life?

Mr. JONES: Wherever there is a desire on the part of a school board and the Indians to have a joint arrangement whereby the Indian and the white children go to school under the same roof, we enter into that joint arrangement and instead of building a school on the reserve we let the school board build it and we pay our per capita cost.

Mr. ORMISTON: It has to be a mutual arrangement between both parties.

Mr. JONES: Yes. It has to be a happy marriage or we do not have any part in it, because it would only end up in grief on both sides.

Mr. CADIEU: I think there has been more success in recent years.

The JOINT CHAIRMAN (*Mr. Grenier*): Are you speaking of assimilation or integration?

Mr. JONES: The Indian affairs branch used to use the word assimilation, but recently we have been using the word integration. It seems to fit more in with the feeling that the future of the Indians is to become ordinary citizens of the country but still retain their culture and background and those parts of their history and environment which they wish to retain. One afternoon in Geneva I heard some experts argue the whole afternoon on the difference between assimilation and integration. They had me all confused. Presently in Canada I think the Indians are much more happy with the word integration than with the word assimilation.

Mr. MUIR (*Cape Breton North and Victoria*): Colonel Jones, one of the teachers whom you met on the Indian reserve in my constituency has been accepted as a teacher in the white school. That is a very fine thing.

Mr. JONES: That is excellent.

Mr. SMALL: Has anything been done in the way of increasing the information for the purpose of helping build up their culture. There are very little records. Has anything been done in that regard? This is something which came out in the discussions. They did not want to lose this, and they thought it would be a very valuable asset to retain the Indian culture.

Mr. JONES: There has been quite a lot done in this way by the national museum and the provincial museums. Not too much has been undertaken by the Indian affairs branch. All our endeavours have been in the line of folk schools, leadership courses and things of that nature.

Mr. SMALL: Is enough money appropriated for the cultural aspect of education and the compilation of the history of the Canadian Indian?

Mr. JONES: Mr. Small, I think it is just a question of responsibility; but whether or not that is really a responsibility of the Indian affairs branch or

the archives branch or the museums, I do not know. They do a lot of work on this. We have prepared two booklets on the Indians of British Columbia, and the prairie Indians, and are working now on the Indians of Ontario. This is factual background information we are publishing and making available to the public. This has been our main effort so far. We are publishing a couple of articles which appeared in the *Hudson Bay Beaver*; one of them is entitled "Learning for Earning".

Mr. SMALL: Is there nothing of the type of work which the Smithsonian institute in the United States is doing.

Mr. JONES: Not financed by our branch.

Mr. ORMISTON: There is no assistance in the encouragement of individuals to prepare information on the various tribes?

Mr. JONES: That is right.

Mr. SMALL: Of course you cannot do any research work in that sphere unless you have funds. I think it would be more acceptable to have it done under your department, because you would have the means of gathering some of the information. Is there sufficient appropriation per year to take care of doing it adequately?

Mr. JONES: There would have to be an added responsibility in the branch with funds provided separately.

Mr. SMALL: I will keep that in mind.

The JOINT CHAIRMAN (*Mr. Grenier*): On page 3 of the brief you say that the educational level of the Indian people must be raised if they are to take advantage of the many opportunities available to them. Would you tell the committee if the Indians now are taking advantage of all the opportunities available to them.

Mr. JONES: In increasing numbers, yes; but you cannot catch up with the people who through lack of school facilities were not able to obtain schooling until the age of eight, nine or ten years. In addition, they would leave when they were sixteen after having only three or four grade level. That ties in with our construction program—making more facilities available. We now are getting more and more Indian children into the schools at age six, which is the proper age, and they will be much better prepared to go on to high school and university than the ones who went before them.

Mr. SMALL: Is your problem not becoming more easy to accomplish because for a long while you had the opposition of the older Indians who did not want any work because it was interfering with maintaining their Indian culture. That has kind of broken down now and I believe you are making better headway.

Mr. JONES: Yes. We are pretty well getting full co-operation from the Indian parents now.

Mr. SMALL: They want their children educated?

Mr. JONES: We are very happy about that.

Mr. ORMISTON: Do you have some sort of educational program going on so far as the councils and parents are concerned in respect of the entry of the children into schools?

Mr. JONES: Yes, we have.

Mr. BATTEN: I wonder if these young children in the sixteen to twenty year age group know that you have these trade schools available now to which they can go at night time and learn a trade and educate themselves to be able to go out and better themselves? For instance, there is the one at Brantford. They have several different trades there which the young people are learning. In fact the older ones who are out of work attend in order to better

themselves. I wonder if the people on the reserves know they are eligible to attend?

Mr. JONES: More and more we are emphasizing this on the reserves through our educational special lists and counsellors. We are telling them that there is opportunity for them to obtain technical and professional training. Quite a number of them are taking advantage of this. The big difficulty is with those who are past training. That is where we are up against it.

Mr. BARRINGTON: Are you building these vocational training schools on the reserves or outside?

Mr. JONES: Preferably outside. We teach some of the courses on the reserve, but in respect of the regular trade schools we take advantage of the courses operating off the reserve. They are recognized and are much more competent to turn out good technicians than we are.

The JOINT CHAIRMAN (*Mr. Grenier*): Some of the briefs which have been presented here by the Indian organizations have suggested that the band council should have more to say in respect of the hiring of the staff in the schools. Is that a general demand from the Indians?

Mr. JONES: No; I cannot say it is. We are quite keen on what we call educational committees which are formed in the various reserves to help with educational matters. These are sort of small school boards. The hiring of the teachers, however, is a responsibility of our branch, and is a matter of searching out the qualifications. It is a man-sized job in itself. But we will always welcome a recommendation and advice of any interested party which would help us get the type of teacher we need.

The JOINT CHAIRMAN (*Mr. Grenier*): Right now the band council has nothing to say?

Mr. JONES: Nothing officially; no.

The JOINT CHAIRMAN (*Mr. Grenier*): Would it help in any way if they had something to say, even if it were not the final word?

Mr. JONES: I think anything that the band council can do and is interested in would be helpful.

Mr. ORMISTON: Do you have any parent-teachers associations on the reserves?

Mr. JONES: Yes. They are formed in increasing numbers right across the country.

Mr. MUIR (*Cape Breton North and Victoria*): Do you have physical education teachers on the reserves?

Mr. JONES: I just cannot answer that completely. If you would like to hold that question until Mr. Davey returns. He would have the answer. There are some, but to what extent I cannot say.

Mr. SMALL: There is one point here which has been discussed. I do not know whether or not there is any advantage in elaborating on it. One of the problems is the question of the existing game, fur and fish reserves and the difficulty for some Indian groups to gain a livelihood from this. What have you in mind in order to overcome that?

Mr. JONES: With this new economic development division, we are proposing to do some studies of all the reserves in respect of the capabilities and the potentiality of the neighbourhood. This will be in line with our placement program. If we can teach the young men something besides trapping, hunting, and fishing they will benefit. It may not be on the reserves; it may be miles away. Some of the reserves are not capable of supporting much of a population.

Mr. SMALL: Do many of them show an aptitude for going into landscape gardening or such things?

Mr. JONES: Not to my knowledge.

Mr. SMALL: I would think they might fit into that picture. There seems to be good gain in this.

Mr. JONES: I have not noticed any marked trend in that vocation.

Mr. WRATTEN: As the country grows and we have more population, the Indian people would find it to their advantage to acquaint themselves with the ways other people learn trades in order to advance themselves and live with the population which is coming in.

Mr. JONES: That is right.

Mr. WRATTEN: It is more to their advantage to learn a skill or trade than to keep on hunting and trapping. They would have a better standard of living.

Mr. JONES: Some reserves in the future will not hold the population; they are not large enough.

Mr. WRATTEN: It is the same with the Six Nations.

Mr. JONES: It is to their advantage to learn the skills which will give them a good remuneration off the reserve. The ones who are doing it are doing very well.

Mr. SMALL: You cannot do much with the older persons now.

Mr. JONES: That is right.

Mr. SMALL: The problem is to get the younger ones to come up.

Mr. JONES: That is correct.

Mr. SMALL: That is what we must concentrate on.

Mr. JONES: Yes.

Mr. CADIEU: It seems to me that in the northern part of Saskatchewan we are lagging far behind in farm instruction. Many reserves are not producing anything in comparison to the land around them. They are not producing enough crops or livestock. The Indians are living in very poor conditions and are lacking in educational facilities. I note that in respect of the timber resources on the reserves there is a new move under way. Have any steps been taken to survey the timber resources on the reserves in Saskatchewan. We have quite a lot of timber.

Mr. JONES: We have already made reference to this, but we are hoping the new federal department of forestry will undertake a complete survey of forest resources throughout Canada. They have undertaken to do so and a start will be made this year. When that is done we shall have a complete inventory of forest resources within Canada.

Mr. CADIEU: What about the development of fur farming? Is nothing being done to encourage the Indian population to go into fur farming? Have any steps been taken towards the development of fur farming?

Mr. JONES: I am happy to say that, the other day, I approved the first revolving fund loan to enable an Indian to start a mink ranch but, from our knowledge of the fur industry, it is not an easy thing. A lot of hard work and knowledge has to go into a successful, domestic fur ranch. I am glad to see this first one started, and we will support and help Indians in fur ranching.

Mr. CHARLTON: It was mentioned during evidence previously that efforts were being made to restock the beaver population and let them live in their natural habitat on Indian reserves, where the Indians would have the sole rights for trapping them. That has been done?

Mr. JONES: That is going on constantly.

Mr. SMALL: Is there a good living in it? If prices are low, then the Indians cannot eke out an existence.

Mr. JONES: You are right, Mr. Small. With reference to the group you mentioned a few minutes ago, there is a future for the young ones if we can educate them properly, but it is the middle age group who are more dependent. It is they and the old people who like to hunt and fish. I do not think we should disturb their thinking but the picture would be entirely changed if fur prices went up to what they were in 1946 and 1947. If that happened, there would not be a problem. If the bottom dropped out of the fur market the returns would be very slim.

Mr. WRATTEN: I think the core of your hopes are contained in the paragraph on page five where you say:

There is, of course, a limit to what government by itself can do. All our efforts and even the best conceived plans will fail if the Indians are not drawn into programs in some way.

That one paragraph sums up the whole situation pretty well, does it not?

Mr. JONES: Yes.

Mr. CHARLTON: Do I understand from the information given at the bottom of page five that there are only two bands which have taken the responsibility granted to them under section 68?

Mr. JONES: I think Mr. Howard said there were two. There are five at the present time who have full authority at their own request, under section 68, and one is going through at the moment. There are 26 others, the ones I mentioned this morning, with authority under the Ontario welfare assistance act. They have just applied for that authority only.

Mr. SMALL: Is the Six Nations reserve included in that?

Mr. JONES: The Six Nations are included in the larger group of 26. They have not yet asked for the full control of their funds.

Mr. SMALL: How would you make a division between the band councils that are elected and the bands that are under the hereditary chief system? How many of each are included in the group of 26 and in the group of 5?

Mr. JONES: I think the 26 are all under the elective system.

Mr. SMALL: And what about the 5 others?

Mr. JONES: They are all under the elective system.

Mr. SMALL: In other words, you are making more progress from the elective councils than you are from the hereditary chief system?

Mr. JONES: Yes, that is a fair statement.

Mr. CHARLTON: With regard to the information contained on page 6 of the brief, how many bands have asked for voluntary enfranchisement of the whole band during the last year or so?

Mr. JONES: There have only been two in the last few years, and one which applied was turned down. That was in British Columbia. I mentioned this morning that there was another one in Alberta which was given official recognition three years ago. I may also remind you there was one up in Manitoulin Island, when the last surviving family of a band came under that section and the band officially went out of existence.

Mr. CHARLTON: Then, there are just the two?

Mr. JONES: Two.

Mr. SMALL: It looks as if it will have to be left to the individual Indian to determine whether he wants to vote?

Mr. JONES: That is correct.

Mr. ORMISTON: On page 6, you say the main function of your agency staff should become largely advisory. That is all very well but no one, especially our Indian friends, would like our ideas forced upon them. Sometimes the Indians have very good ideas themselves. I am thinking of a particular instance on the Touchwood reserve where we have an Indian superintendent, David Greeyes. He is an Indian who has certainly achieved a great deal in his own field. He is a capable administrator and a person to whom we could look for advice and counsel in dealing with Indians, not only with Indians on his own reserve but with Indians on other reserves as well. I think a report from a person of his intelligence and ability would be of assistance to the committee. You, however, probably have easier access to him than we do, and I think his counsel should be sought when it is available.

Mr. JONES: That is a very good suggestion. We can, at least, have the benefit of any opinions he may have formed.

Mr. ORMISTON: Being an Indian himself, he may have different ideas to those of a white superintendent.

Mr. JONES: The tenor of my remarks was devoted to having the Indians take over more responsibility themselves.

Mr. SMALL: You have also stated, in the second paragraph on page 6:

I would hope that the committee would give some consideration to the ways and means by which the transfer of responsibility might be provided for and encouraged. As I envisage this it would possibly involve at the beginning the provision of a band council secretary and later other band officials to carry out specific administrative duties relating to the community.

Have you given consideration to providing remuneration for chiefs and secretaries of band councils? That point has been brought out in evidence, and witnesses have stated that these duties interfere with their own livelihood and are a burden on them. I may say that we are running into similar difficulties in the municipalities, where boards of education or trustee boards are doing a lot of work on a voluntary basis and their members are coming up against the same problem. Indeed, some of them today think they should get remuneration for this work. The chiefs and secretaries of the band councils are in the same position. They suggest they should be paid, but they have no idea where the money is to come from. Is it to come from the band councils, or by way of another grant from the government?

Mr. JONES: Some of the band councils do pay their secretaries but a lot of the bands have failed to do that. Indeed, many witnesses who appeared before this committee during the last three years said there was very little incentive for chiefs or councillors to take office for a couple of years because they get no remuneration except what the band might provide from its funds.

I cannot project into the future, Mr. Small, but, for example, if there was a general feeling that a band had arrived at a state where they were perfectly capable of running their own affairs and, say, a superintendent who was in charge of that band had been drawing \$8,000 salary, if we withdraw the superintendent I wonder would there be any merit—

Mr. SMALL: In transferring his salary to the council?

Mr. JONES: —in helping them financially after the withdrawal of the salary of the superintendent.

Mr. SMALL: Possibly the money we are paying the superintendent could be paid into the funds of the band. It would help the band to reach the status of any other municipality where they would have to take responsibility for education and for doing things like policing the reserve, things like this which they cannot do without funds. By doing this it might help them to become

self-supporting, and the band will have to become self-supporting if it is to develop as a corporate body.

Mr. JONES: They can have a taxing authority, if they want to request that. They can tax their own people.

Mr. SMALL: That is one of the problems we have been running into all along. They agree with everything, but they do not want to pay fixed taxes. We are the only ones who cannot avoid doing that.

The JOINT CHAIRMAN (*Senator Gladstone*): Is it not true, Colonel Jones, that some of the reserves have their own budgets, and the expenses of running the reserves come out of band funds? The expenses are shared by all members of the tribe.

Mr. JONES: That is correct but, where bands have elected councils and they have no funds, many representations have been made to the government, and to this committee, that there should be some form of compensation granted to them.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject dealt with by the brief is provincial services to Indians.

Mr. SMALL: Has there been a dominion council set up on this matter, having representatives on it from every province, a council such as there is in regard to taxes?

Mr. JONES: Not to my knowledge, Mr. Small.

Mr. SMALL: That is one of the weaknesses I found in briefs presented by the Indians themselves. They do not seem to have any central council where they get together and talk over their needs, and what should be done in their best interests. If this is going to be worked on a provincial basis, that will have to come sooner or later.

Mr. JONES: There has not been one, such as the dominion fiscal conference, at least so far as I am aware.

Mr. SMALL: But I mean on Indians.

Mr. JONES: On the Indian problem?

Mr. SMALL: The Indian problem.

Mr. JONES: No, there has not been any.

Mr. CHARLTON: But there has been an inclination on the part of the provinces to come in and take over greater responsibility, as time goes on.

Mr. JONES: It is very heartening to record that all the provinces, during the last two or three years, have been taking a closer look at their responsibilities. It must be remembered that the provinces do have certain responsibility. The Indians pay all taxes—the ones not paid on the reserve, such as land taxes and income tax. On September 1st next, the Indians living in Ontario will become painfully aware that they are residents when the new sales tax is introduced. It is very heartening to see this development on the part of the provinces, following many years in which the theory that the Indians were wards of the federal government was widely accepted. We are gradually managing to dispel that fallacy, and a very healthy look is being taken by the provinces at their own responsibilities in this regard.

Mr. CHARLTON: The Manitoba government, during the last couple of years, made a few strides in that direction. They have their Metis problem there.

Mr. JONES: Yes, they had a research team study the Metis problem and the Indian problem, and they produced a very excellent report. I think you will see great strides in Manitoba in their approach to residents of Indian blood. It must be remembered that the three prairie provinces have Metis populations which are equal to, or larger than, the Indian populations. Unfortunately, in the past, not too much attention was given to those people,

but there are heartening signs now that the prairie provinces are taking a close look at the Metis problem, which cannot be dissociated from the problem of Indians who are registered under the Indian Act.

Mr. CHARLTON: Is that problem not greater in the three western provinces than it is in Ontario, with the exception of Northern Ontario?

Mr. JONES: The Metis problem?

Mr. CHARLTON: Yes.

Mr. JONES: It is pretty well confined to the three prairie provinces. In Manitoba the survey team were very surprised when they came up with their statistics. They were figuring on 8,000 or 10,000 Metis population, and they came up with 1,000 more than the Indian population—23,000—I think you will find the same in Alberta and Saskatchewan.

Senator MACDONALD: I should like to know what the provinces are doing to assist the Indians. I would say providing education would be one thing, and probably providing vocational training would be another. Is there anything else the provincial governments are doing?

Mr. JONES: I mentioned the complete welfare service and all the social allowances. Of course, there are the more visible factors, such as roads. Some provinces treat Indian reserves like municipalities and spend the same amount of money on them as they do on municipalities.

Mr. CHARLTON: That is true in Ontario, is it not?

Mr. JONES: There is a very excellent arrangement in Ontario providing a 50 per cent subsidy on roads.

Mr. CHARLTON: And 80 per cent on bridges.

Mr. JONES: 80 per cent on bridges and culverts.

Mr. SMALL: There has to be an organized identity in order to get it.

Mr. JONES: You have to apply for it and it has to be approved by the Ontario government by their engineers. It is in their budget and ours as well. It is the same with respect to repairs for roads. They will pay the same subsidy, provided it is approved in their program for the following year.

Mr. CHARLTON: Any Indian band is entitled to that, as long as it is approved.

Mr. JONES: That is right. They are treated just the same as a municipality.

The JOINT CHAIRMAN (*Mr. Grenier*): Mr. Jones in the second paragraph on page 7, you say:

I think the extension of provincial services and jurisdiction must eventually come.

Do you think the Indians right now are ready to accept this gradual transfer from the federal to the provincial authorities?

Mr. JONES: No, I do not. Not at the present time.

The JOINT CHAIRMAN (*Mr. Grenier*): Is there any inclination on their part to accept the transfer, any trend of any kind showing?

Mr. JONES: No, it is not too prominent. More provinces are now extending the provincial vote which, I think, will bring the Indians closer to the provinces in their thinking.

Mr. SMALL: According to this brief, you would be calling the different organizations which we want to discuss under separate headings.

Mr. JONES: The head of each division will be waiting on the committee for the closer examination, and he will be at your disposal.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on these general observations before we finish with Mr. Jones? If not, we thank you very much, Mr. Jones. You have shown by your brief and presentation that you have a very good understanding of all Indian problems; and the fact that

you have met successfully with the Indians themselves would bear this out before the committee.

Mr. JONES: Thank you. It seems only yesterday that this committee started. But when I think back to June 1959, I am very confident that a lot of good will came out of the deliberations of this parliamentary committee. I am convinced of that.

Senator MACDONALD: I have just been wasting time here getting some advice. I am sorry, but before Mr. Jones leaves, I just want to be straight on a question. I have known Mr. Jones for quite a while and I do not think he will be sore with me for asking this question. Would the Department of Indian Affairs be any better off under a full time minister than it is as presently administered now? If that is an embarrassing question, you do not have to answer it. But answer it, if you like.

Mr. SMALL: I would say it was a leading question.

Senator MACDONALD: He does not have to answer, if he does not wish.

Mr. JONES: Well, it is rather a leading question. However, I have always tried to meet a question head on.

Let me say this: I sincerely believe that the next ten years in the affairs of Indians are going to be very, very important from every angle, and with the population explosion, with our educational system really rolling in high gear now, the affairs of the Indians are going to need a lot of general and close-in attention for the next ten years.

You will not know the picture ten years from now. It is shaping up. So I would think that in the interest of eventually having the Indians running their own affairs, we cannot overemphasize for the next ten years the very best possible supervision and interest. Possibly that is only half an answer, Senator.

Senator MACDONALD: Thank you, Mr. Jones.

(The witness retired).

The JOINT CHAIRMAN (*Mr. Grenier*): We shall now carry on with Mr. D'Astous, the Chief of the agencies division. We shall ask him to read his brief to the committee.

Mr. JULES D'ASTOUS (*Chief of the Agencies Division*): Mr. Chairman and honourable members of the committee:

The activities of the Agencies Division include the administration of field agencies and staff management, the development of appropriate methods and procedures, the provision of administrative buildings, roads, domestic water systems, irrigation works, wharves and other works on Indian reserves. The Division is also responsible for transportation and communication facilities as well as the supply of various mobile and stationary equipment.

It is intended in this statement to deal with certain aspects of our activities which will have a decided bearing on the operations of the Branch in future years and which may affect the degree of success it will achieve in improving the status of the Indian population both socially and economically.

With the expansion of the Branch's operations in the past few years and the increasing complexity of questions associated with the advancement of the Indian population, greater demands have had to be made on all field staff. Whereas fifteen years ago an Indian agent, well-versed in some activity such as farming, hunting, lumbering or fishing, could quite adequately administer to the Indian reserves, the Agency Superintendent of today must be more of a sociologist, educator, economist and humanist. In addition, he must have an extensive knowledge of many other fields of endeavour and must as well be a sound administrator and a good public relations officer if progress is to be achieved. The expansion of field operations and the decentralization of

authority which have come about also demand higher qualifications of supporting staff such as Assistants, Clerks and others if the more complex office functions are to be performed efficiently.

There has been a growing awareness over the past few years that one of the difficulties in future will be the recruitment of sufficiently well qualified staff. Since 1948, the salary rates in most classifications have approximately doubled. The payment of isolation allowances has been introduced in many areas and with provision of good living accommodation, employment conditions with the Branch appear to have become more attractive. Nevertheless, recruitment difficulties persist and we must continue to improve employment conditions. An alternative would be to reduce minimum standards in the respective classifications, but this would hardly be in the interest of better administration. It is apparent then that every effort must be made to ensure that employment opportunities in the various field offices are made as attractive as possible and the branch must, at the same time, continue to insist on high standards and qualifications and only recruit those persons meeting these qualifications.

In the field of staff recruitment the branch has not overlooked the desirability of having qualified Indians enter the service. At the present time, a number of positions in agency level classifications are held by Indians who have qualified through regular civil service competitions. Several clerical and stenographic positions have also been filled by young men and women of Indian status and it is hoped that with the development of the educational program and the valuable training offered by social leaders' courses and the like, more will take an interest in the competition for vacancies, in our field organization, advertised from time to time.

Recruitment problems referred to previously also emphasize the need for a comprehensive branch training program at the junior and intermediate levels so that senior positions in the field can be adequately filled by promotion through the ranks.

The continuing decentralization of authority and responsibility from branch headquarters has underlined the necessity of developing training methods aimed at making field officers in the senior classifications good administrators. The effect of this decentralization policy is also felt at other levels and this, coupled with the tremendous increase in branch activities, makes it very necessary that employees in the field engaged in administrative and clerical duties be trained to perform efficiently. Apart from regular training courses which have been and will be held from time to time, the changing concept of Indian administration, as well as broadening of the branch's aims and objectives through expansion of our fields of activities in education, economic development and welfare, make attendance at more frequent regional and national conferences most essential.

The need for the development of uniform procedure in the field and in the divisions at branch Headquarters where these reflect in the field is apparent and is under constant study by this division. Considerable progress has been made and the benefits of improved uniform procedures are appreciated, but there is still a wide field to be reviewed and it must be recognized that this is a continuing process.

The problems related to staff management as outlined above are directly related to our activities in the field of organization. The number of field positions at our disposal must inevitably be taken into account in determining the best organizational structure not only to handle the ever-increasing workload, but to ensure that adequate supervision of all reserves and Indian groups is maintained. In addition, recognition is given to the benefits of staff rotation and every effort is made to locate employees where full advantage can be taken of their abilities and where their potential can be developed.

In many areas across Canada it has been necessary to move field Assistants from reserves to agency headquarters or to strategic locations where they can administer the affairs of more than one Indian group. This has been possible in those cases where band councils are more advanced and have demonstrated their ability to assume a greater responsibility in managing their own affairs. In such cases, the field officer is readily available and through regular visits to the reserves under his jurisdiction, he is able to keep in touch with the day-to-day problems. These moves have invariably resulted in band councils assuming a greater responsibility and in the long-run it will undoubtedly tend to increase their authority as the responsible governing body on the reserve.

The possibility of amalgamating agencies in areas where transportation facilities are improved or other considerations make this practical is kept constantly in mind even though there may be a reluctance on the part of certain Indian groups in having their affairs handled by a new superintendency. The study of such organizational changes must, of course, take into consideration the attitude of the band councils concerned, but the most effective deployment of field staff must continue to be the main consideration.

Apart from the responsibilities associated with staff management and field organization, the division is also charged with the responsibility of carrying out a fairly extensive construction program each year, including the construction of buildings such as staff residences and offices, roads and bridges, water supply systems, wharves, docks, etc.

There is perhaps no factor more important in developing the economy of the Indian reserves than the provision of adequate roads. Not only must there be a means of reaching the Indian population, but the Indian, if he is to better himself both socially and economically, must have easy access to the municipalities or centers of population surrounding his reserve where he can associate and do business with non-Indians. Access to municipalities also affords him an opportunity of employment.

The development of roads on the reserves and the inauguration of long-range road building plans are closely linked with the education program in many areas. More extensive school bus routes will be needed to permit more and more Indian children to attend day schools on the reserves and enable them to reach municipal schools with whom joint school agreements are entered into from time to time. There has been noticeable progress in this phase of field operations.

It is not unusual, therefore, to find that in every fiscal year the major portion of funds for the agencies division construction program is set aside for road building and the maintenance of existing roads. There is a limit to what can be accomplished each year within the amount of money available, but it is encouraging to note that in at least three provinces, provincial authorities are taking an active interest in road construction programs affecting Indian reserves. In the province of Ontario, an Indian reserve, for the purpose of the Highway Improvement Act, has the same status as a municipality and any work on roads or bridges is subject to subsidies of fifty per cent and eighty per cent as the case may be. In the province of Manitoba, while no formal agreement exists at the moment, the province has accepted a share of the cost of developing roads on several major reserves as well as roads into areas where reserves are situated. About two years ago, the province of Saskatchewan inaugurated a program designed to develop a series of market grid roads. Several of the proposed roads cross Indian reserves and the province agreed to accept fifty per cent of the cost of the portion of the roads lying within the boundaries of the reserves concerned. We are continuing our efforts to interest provincial and municipal authorities in road construction projects.

The part played by the bands themselves in road construction cannot be overlooked. On many reserves where bands have funds at their disposal, they have indicated a willingness to share in the cost of road projects and in some instances, depending on funds at their disposal, they have even financed all work on roads.

The agencies division is becoming more actively involved in the field of sanitation and those works which are designed to improve living conditions on Indian reserves. One of the most serious problems on many reserves, especially those which lend themselves to the formation of Indian communities, has been the provision of adequate water supplies as well as a means of disposing of sewage. Several major systems have been installed in recent years and some are presently under study for execution within the next year or two. Engineering surveys in practically all cases are required to enable the branch's technical staff to draw up plans and specifications.

The division has also endeavoured to obtain the co-operation of band councils where these major projects are undertaken and it is encouraging to note that in some instances the band councils concerned have assumed full responsibility for the operation of the system provided. Technical advice, however, will always be available from the department to ensure satisfactory operation of the systems.

These activities are those of the agencies division. It is in these general areas of responsibilities that we are continuing our efforts towards the betterment of the Indian affairs branch field administration and the greater progress and advancement of the Indian population.

The CHAIRMAN: Gentlemen, I told the reporting staff this morning that we would not sit beyond four o'clock. I believe we have had quite a good day. We sat one and one-half hours this morning, and one and one-half hours again this afternoon. I suggest that we reserve any further questions until the next sitting tomorrow afternoon, at two-thirty. The meeting will be held in Room 176F.

WEDNESDAY, May 3, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Gentlemen, we have a quorum and we can start the meeting now. I will call on Mr. D'Astous again. Mr. D'Astous read his brief yesterday to the committee, and if members have questions for him we will hear them now.

Mr. CHARLTON: I would like to ask how many Indians, actually, are located on reserves as agents?

Mr. JULES D'ASTOUS (*Chief, Agencies Division, Indian Affairs Branch*): We have two. There is one at Christian island in Georgian bay, Superintendent Powless, who used to be chief of the Six Nations band. The other is Mr. David Grayeyes, who is the superintendent of the Touchwood Indian agency in Saskatchewan. Apart from the two superintendents we have 14 assistant superintendents, who are located in field offices across Canada. The assistant superintendents, of course, are apt to become superintendents one day, and it is our hope that as times goes on we will get more Indians into the service as superintendents of agencies.

Mr. BADANAI: On page 2, in connection with the amalgamation of agencies, how large are these agencies, or how small can they be as an example?

Mr. D'ASTOUS: They vary in size, sir. I would say that the smallest agency will look after the affairs of some 300 Indians. I believe these are exceptionally small agencies, such as that on Lennox island in the province of Prince Edward Island, and again possibly at Christian island, where the number of Indians

living on the reserve would be in the vicinity of 400. In terms of population the largest agency would be in the vicinity of 6,000 Indians. In that category I believe we could mention the Six Nations agency down south in Ontario and also the Sioux Lookout agency in northwestern Ontario. Then there would be several agencies looking after the affairs of 5,000 or 4,000 Indians. I think the average would be around 2,000 Indians in each agency.

The JOINT CHAIRMAN (*Mr. Grenier*): In paragraph 2 of page 2, Mr. D'Astous, you say this:

Recruitment problems referred to previously also emphasize the need for a comprehensive branch training program—

Is there anything being done towards that, actually?

Mr. D'ASTOUS: Yes, I am pleased to say we were successful a little over a year ago in obtaining the services of a staff training officer on a full-time basis. This was the first time the branch could depend on the services of a competent training officer, and from that moment we began to prepare training programs. We have been active in this field and last year we had three training courses, the first being offered to the office managers of the regional offices.

Perhaps I should say here that we have nine regional offices located across the country. These office managers were brought to Ottawa and were given an extensive course of training for two weeks. Our next step was to offer a training course to the office managers at the agency level. We had one course in the east for the agencies in the province of Quebec and the maritimes, and we had another course in Winnipeg, where we had 21 trainees who went through a similar process.

Of course, training activities go beyond that. The field of training is one we have to share with the civil service commission.

The civil service commission, as you are aware, is responsible for training of a general nature; administrative courses of a general nature are provided by the civil service commission. Each year they conduct a training course for senior officers of the civil service at large, and we have been very fortunate in the last six or seven years to have our representatives included in that course, which is usually given at Kemptonville, here in Ontario, south of Ottawa. Apart from this course for senior administrative officers, the civil service commission also conducts courses of the same nature at intermediate levels in all provinces across Canada. There again it was possible for the Indian affairs branch to have their regional officers attend these courses in each province.

Senator HORNER: Is the length of those courses generally two weeks?

Mr. D'ASTOUS: Sir, the senior administrative officers' course I just referred to is four weeks. As I was saying a moment ago, we have provided specialized training to the members of our field staff at the clerical level. We are now working out a program of training for Indian superintendents and their assistants, and our view is that we shall not monopolize the matter of training. We are certainly interested in establishing contacts with the universities across Canada, inviting their trained personnel to assist us and help us in designing a training program which will go beyond the realm of routine administration and processes we face on a day-to-day basis. We do hope that eventually we will be able to utilize university resources.

Senator HORNER: This is generally continuous in many other phases. Whether it is short or long, you are continuing the program of training?

Mr. D'ASTOUS: That is quite correct.

Mr. HOWARD: Mr. Chairman, I guess everyone has run into this some time or another, but in the past there have been numerous complaints, real or otherwise, against Indian superintendents. They have been looked upon

as sort of paper processors and purely administrative. In some instances a fair amount of animosity has been generated among native people towards particular Indian superintendents, and in many cases distrust was shown. I would hope that this sort of training program and training course will be one method by means of which this kind of feeling will be overcome, and that there will be more of a feeling of rapport between the Indian people and Indian superintendents, which, in general, has not existed in all cases in the years past.

It is more a comment than a question, but implicit in it is the question that this training program will, I hope, lead towards a more friendly relationship between Indian superintendents and native people.

Mr. SMALL: You mean the non-Indian superintendent?

Mr. HOWARD: There are only two who have been recently appointed, not within the last few months, but this has been developing during quite a number of years.

Mr. D'ASTOUS: I would like to give you my assurance, Mr. Howard, that we do share your concern, and there is unfortunately some animosity shown against Indian superintendents across the country. No complaint is overlooked and none is taken lightly. It is my responsibility to investigate these complaints and to take steps to bring about corrective measures, especially preventive devices to prevent these errors from being repeated indiscriminately.

Coming back to our training program which we are developing presently for superintendents and assistants, we are certainly going to make provision for subjects such as human relations and public relations, and we are going to stress the importance of this matter.

Senator HORNER: It is a very human occupation, this complaining against authority. Mr. Howard should know that very well because no matter how good the government is, he proceeds to complain. So it is very human.

Mr. HOWARD: I will only say, Mr. Chairman, that ever since 1957, room for more complaint has been greatly increased.

Mr. FANE: Mr. Chairman, speaking on the same subject as Mr. Howard, I would also like to say that I have found a great deal of unhappiness among the Indian population in that they say the Indian agent visits them very, very seldom. As a matter of fact, after several years in an area people in certain parts of the reserve have never seen the agent. He has not travelled to those parts. I am not too sure if that is one of his responsibilities, but it is my opinion that he should visit all the people for whom he is responsible.

Mr. D'ASTOUS: Mr. Chairman, it is definitely the responsibility of the Indian superintendent to visit all the Indians under his supervision on the Indian reserves. We must, of course, accept the fact that in some areas, due to isolation and difficulty of communication, it is not possible for the Indian superintendents to visit the Indian reserves as often as I am sure they themselves would like to.

Yesterday I believe I did make reference in my paper to the tremendous increase in the work load that is placed on the shoulders of the Indian superintendents across Canada, and this is still very much a problem with us at the present time. There is no doubt in my mind that the administrative function of the Indian superintendent today, the managerial aspects of his work, have taken on too great an importance, to the detriment of some of the other functions that he is also to perform, with the result that compromises had to be made and certain activities had to be neglected. This is one thing we all regret, and it is a constant challenge to the administration of the division which I represent, to find ways and means to overcome this situation which fortunately I believe is not too widely spread across the country. With the increases of staff we have had in the last five years we certainly have been able already to provide a better service.

Mr. FANE: I think so, but it must be impressed on all the Indian superintendents that they cannot hope to gain the trust and friendship of their charges if they never go to see them.

Mr. SMALL: That does not hold good, as mentioned by Mr. Howard, as there seems to be a disposition to dislike these Indian superintendents. From what he has said, it seems to me that the less they see the Indian superintendent, the better they would like it.

Mr. FANE: That is the cause of it; they do not get close to their people.

Mr. ORMISTON: It is possible that they have too much clerical work to do, am I correct?

Mr. D'ASTOUS: Administrative routine is time-consuming, and, in some areas, unfortunately the superintendents have been kept captive in their offices too much. We are not satisfied ourselves with this state of affairs and we are continuously trying to find ways and means to improve the conditions. In my opinion the few cases referred to are exceptional and I hope I can make the statement, that by far and large the great majority of Indian superintendents today are well received by the Indians on the reserves. I am sure that the statement made by Mr. Howard will only apply to a few. One solution that is currently offered to solve the problem facing the superintendent today takes the form of suggesting additional staff. If you have one superintendent in an agency today with possibly one assistant, one clerk and no stenographer, I will concede that a problem exists at some acute stage. Nevertheless, the provision of additional staff, in our mind, is not necessarily the only solution, yet in spite of the fact that the number of field employees has increased very substantially in the last five years from 400 to 600 in round figures, the complexity of our task still demands more field officers than we have at the present time.

Mr. HOWARD: I do not know whether this is something of which Mr. D'Astous would have immediate knowledge, but if he has, could he inform the committee what progress is being made towards the appointment of an Indian commissioner in British Columbia, if that has not already been done?

Mr. D'ASTOUS: The promotion competition which was set up to fill this vacancy closed on April 14, and there has been one advisory board held this week. The remaining candidates in this competition will be interviewed next week in such places as Vancouver, Edmonton, Toronto and Ottawa. This will take place next week, and it is a matter of one week or two after these boards are completed before the name of the successful candidate is announced.

Mr. SMALL: Pursuing this matter of the Indian superintendent, does that not stem from the fact that this resentment against authority would be the same if an Indian was the supervisor and he had to enforce regulations and conditions set out in the act, that dislike would be just as great or lesser if a white man were in his place? What I am trying to get at is that he is the only one to enforce authority and see that the regulations are carried out. He actually carries a certain amount of resentment or dislike whether he is an Indian or a non-Indian.

Mr. D'ASTOUS: I would be inclined to think, sir, that a lot of the resentment that has been mentioned previously here is possibly related to this supposition you just made and that it is not really directed at the Indian superintendent on a personal or individual basis but more against the authority at large, policies, regulations, paper work, red tape, whatever it is. I believe a lot of complaints that we hear from time to time are directed against this sort of thing rather than against the person of the Indian superintendent.

Mr. SMALL: Would not the same thing apply if an Indian had to do the same work on some reserve?

Mr. D'ASTOUS: I would be inclined to believe that the same thing would take place.

Mr. SMALL: It is a matter of the selection of a superintendent who would be able to ameliorate that condition.

Mr. D'ASTOUS: I think the selection of superintendents, whether they be Indian or not, would be a matter of choosing someone with personal suitability and personal competence.

Senator HORNER: I think a great deal depends on the personality of the agent. Some are loved by all, and some do not have that faculty.

The JOINT CHAIRMAN (*Mr. Grenier*): In paragraph three on page two you speak of the changing concept of Indian administration. Would you tell the members of the committee what change is taking place in that field?

Mr. D'ASTOUS: This reference was made to the general change in the concept of the administration of Indian affairs at large. I would be inclined to feel that the director himself would be the best qualified person to comment on that. This happened on a broad basis. Perhaps, in the meantime, I could say this: that the reference here is a direct reference to the changes which have taken place in the education program, of the branch, the social welfare program of the branch, and the economic development program of the branch. We have to keep one thing in mind: in final analysis—the Indian superintendent within his agency—has to represent the ranch at large, he must interpret new policies in education, in social welfare, in economic development, and in all other activities. He must interpret these policies to the Indians continuously. It was with this in mind that the reference was made to the new challenge imposed upon the field officers in view of all the new activities and the progress that has been made, especially over the last ten years.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on page two?

Mr. CHARLTON: I think probably this matter of decentralization would warrant a little more discussion. I understand that you are giving more authority to the nine branch officers than was previously the case. They can now make decisions which heretofore had to come to Ottawa for decision.

Mr. D'ASTOUS: That is correct.

Mr. CHARLTON: This is the kind of thing you mentioned that formerly had to go back to the superintendent?

Mr. D'ASTOUS: This decentralization of authority was brought about by delegating authority to the regional supervisors, to the commissioner for British Columbia, and to the Indian superintendents. I mean authority under the Financial Administration Act, the federal act, and under the contract regulations made by the treasury board. As a result, the regional supervisor has the authority to go ahead and authorize a contract, or execute some work in the field to the extent of \$1,000 without reference to the branch headquarters here in Ottawa.

Now, the limitation of \$1,000 is not as stringent as may appear at first sight, because this is a repetitive process. He is not limited to a \$1,000 expenditure in any given week or month. This is a continuing process. As a result many small jobs are put under way under the authority of the regional supervisor, let us say, in Edmonton, or in Toronto, without any necessity for him to come to Ottawa to secure that authority, as was the case ten years ago.

Mr. ORMISTON: I wonder how many of the officials in the higher brackets in the Indian affairs branch have had actual field experience? Are they field men at one time or another, or do they come through a series of steps and promotions to get to their present positions?

Mr. D'ASTOUS: There are many senior officers located in Ottawa at the present time who were at one time field officers. It is my pleasure to underline the fact that the director of the branch, Col. Jones, is himself a former Indian superintendent. He served as superintendent in the field, at the Tyendinaga agency in Southern Ontario.

Apart from Col. Jones I could name the chief of the economic development division, Mr. Battle, who just came from Edmonton a little over a year ago, after having a long career in the province of Alberta.

We also have a former regional supervisor from Manitoba, Mr. Ragan, who is the assistant chief of the welfare division. Then there is the chief of the education division, Major Davey, who had a long and fruitful career in British Columbia before coming to Ottawa. There is myself. Before coming to Ottawa in 1954 I was regional supervisor for Quebec and New Brunswick.

At the intermediate level we have several officers who have had field experience. By the same token, we are trying—and we have been successful in the last few years—in assigning officers as to field positions who had all their experience in the Ottawa headquarters. Several of them acquired their only experience at branch headquarters in Ottawa, and they are now outside in such areas as British Columbia, Saskatchewan, Alberta, and elsewhere.

Mr. ORMISTON: I am glad to hear that. I think we all realize that the situation in the field has changed considerably over the past few years. I think it is a good idea to bring in new ideas and new policies. It would be to the best satisfaction of all of us, whether Indian or white.

Mr. D'ASTOUS: We certainly believe that it is a sound principle to interchange officers between headquarters in Ottawa and the offices in the various provinces. It is a two-way affair.

Mr. ORMISTON: Do you have a sort of exchange system?

Mr. D'ASTOUS: It is not a straight exchange, but the end result is about the same as if it were. Perhaps I should mention the case of the regional supervisor in Manitoba, Mr. Leslie, who was the officer in charge of the trust section for several years—certainly over 15 years. I recall that at the sessions of the first joint committee, which took place in 1946-47, Mr. Leslie as an officer from headquarters appeared before that joint committee. Yet about 12 years later we find him as senior officer in the province of Manitoba, representing the Indian affairs branch out there.

Mr. MCQUILLAN: Do you find any problem, or does the staff find any difficulty in adjusting themselves from one province to another? For instance, there may be somebody who served a good part of his career in British Columbia and is now going to Saskatchewan. Would he find difficulty in adjusting himself?

Mr. D'ASTOUS: My answer to that is no. I know these persons very well as I am personally acquainted with each one of them. I believe I can say safely that there has been no problem of adjustment in the majority of cases, where officers have been transferred from one province to another.

Mr. MCQUILLAN: But surely if they have to make the change, they would find some problems in adjusting their attitudes?

Mr. D'ASTOUS: Yes, there is a good amount of adjustment to be made, but I do not think it is a problem, because most of our people have met the challenge with success.

Perhaps if we were transferring these officers, these persons, on a horizontal level entirely, the problem might be a little worse. But generally speaking, every time a move is made, it is on the occasion of a promotion.

Rotation at horizontal level has not produced many results for us, and we are not rotating people just for the sake of moving them from one place to another.

What we are doing is this: on the occasion of opportunities for advancement, we certainly make it as easy as possible for a member of the staff, let us say, in British Columbia, for instance, to apply for a job in Ontario, which represents an advancement and a promotion for him. And it is in this type of circumstance that we move our people from one place to another. That movement today is taking place all over the country. Perhaps that is one factor which makes this adjustment period more acceptable to individuals and to their families. I am not sure that I have answered your question correctly.

Mr. McQUILLAN: I think you have answered my question. But there is doubt in my mind. Suppose somebody who has been superintendent in one province where Indians have certain problems and certain attitudes, has to go to another province. Would he be able to change his thinking quickly enough to administer the act in the best interests of the people in that province? Because, if you are going to administer the act right down to the last detail, in the same way in all the provinces or in all areas, that could have been the cause of great complaint, to my mind, in the administration of the Indian Act in years past. And the same thing would apply to an Indian on Vancouver island and an Indian on Prince Edward Island. They are two different people. It is quite obvious, is it not?

Mr. D'ASTOUS: Oh yes.

Mr. STEFANSON: In case you should have a vacancy out in British Columbia, would that competition be open to people right across Canada? Suppose an assistant superintendent from Manitoba should apply? Could he become a successful candidate?

Mr. D'ASTOUS: Perhaps I should explain here that generally speaking promotion competitions across the country will be restricted to senior positions such as the one mentioned by Mr. Howard, a moment ago. For the position of commissioner in British Columbia, and the position of regional superintendent in other areas, we do advertise across the country so that every officer in any given region may apply.

But when you get down to the position of one particular assistant on the reserve, it is not usual to advertise it across the country. We may very well restrict the area of competition to the province and generally speaking this is what is done; except that once in a while, every three years, or every four years we do feel that we have to give an opportunity to all our employees across Canada to enter this type of competition.

We held a competition of this type last year when we advertised all positions of Indian superintendents grades 3, 2, and 1, and the positions of assistants, grades 3, and 2, across the country, with the purpose of setting up an eligible lists from which vacancies, as they occurred in every province, are filled.

There is always a regional preference given for the candidates who are successful within their own region, notwithstanding the rank which they have on the list. But once we have met this requirement—which is placed upon us by the Civil Service Act itself—then we are at liberty to offer a vacancy in one region, in one province, to an employee of another province.

Mr. McQUILLAN: Am I right in assuming that in transferring from one region to another—I am thinking perhaps of a person transferring from one province to another—that where the man had some past experience in the province to which he is being promoted to a position of authority, such as regional superintendent, or Indian commissioner—would it not be a pre-

requisite that such a man should have personal knowledge, personal experience in that province? Is it not requisite that that man have a personal knowledge and personal experience in that province?

Mr. D'ASTOUS: It is not a requisite. I will put it this way: it is a desirable qualification.

Mr. McQUILLAN: I would think that it would be essential, some time in his career, to have some experience in that province.

Mr. D'ASTOUS: We do agree that we have to meet the problems created by regionalism. We are not overlooking the special features and characteristics of each region, but it has been our experience over the years that the Indian Act is being basically applied in the same way all across Canada—

Mr. McQUILLAN: I think that is wrong.

Mr. D'ASTOUS: —and, with necessary adjustments, to the conditions prevailing in different regions. I would not believe that I would be presumptuous to the point of selecting a young employee in our service who has been working as a clerk in a small office in the maritimes, for instance, and promoting that man to the position of a senior assistant on the Blood reserve in Alberta. Of course, we realize that the gap there simply would be too wide, and it would be too big to fill. However, within certain limits we do believe it is a good thing to interchange personnel from one region to another.

Mr. McQUILLAN: Well, I do not agree with your last statement entirely. I think that older men would probably have much more difficulty in adjusting themselves when going from one area in the east to, say, the Blood reserve in Alberta. They would have become settled in their ways, whereas the younger man is more apt to adjust himself and to recognize the local needs and requisites of the people.

Mr. D'ASTOUS: We certainly do pay attention to these requirements. I would not like to mislead you on this. We are discussing the principle of one thing and then, of course, there is the practical application. However, if I could illustrate one case, I would like to do so. It is a case of a man from the east who was transferred to the province of British Columbia, and served with distinction for over ten years as the Indian commissioner there. I can make reference to this man now, because he is retired. I am referring to W. S. Arneil. He was definitely an easterner, who received his training in Ontario and had worked for many years with the Soldiers Settlement and the Veterans Land Act in this part of the country. However, he eventually served with distinction in British Columbia for several years.

The JOINT CHAIRMAN (*Mr. Grenier*): Have you a question, Mr. Badanai?

Mr. BADANAI: I would presume that you would have a yardstick by which you could assess the ability of a prospective agent?

Mr. D'ASTOUS: Yes.

Mr. BADANAI: And you would have some sort of examination before you entrusted them with a job?

Mr. D'ASTOUS: Oh, yes.

Mr. BADANAI: Sometimes it is quite possible to find an alert young man who is quite capable of absorbing the necessary qualifications without having had the actual experience of being in that province, or in any other part of the country. I would assume that you take this into consideration, rather than just moving a man with experience from one part of the country to another.

Mr. D'ASTOUS: I quite agree with you, sir.

Mr. BARRINGTON: Would it be fair to say that this is a necessary move in order to qualify personnel for still more senior positions at a later date?

Is one of the purposes of it to give him a wider view, in order that if and when they come to Ottawa they would be more acquainted with the whole picture?

Mr. D'ASTOUS: Yes, this is one of the underlying thoughts we have had.

Mr. MCQUILLAN: But is it not true that the Indian branch is different from most other government departments, inasmuch as you are dealing primarily with the humanities—the human problems, rather than administrative ones?

Mr. D'ASTOUS: Yes, I will not concede for one moment that there are no differences between the Indian bands we meet across Canada. I have travelled from one end of the country to the other. I have met the Indians in the maritimes, Nova Scotia as well as Prince Edward Island. I have known those in Quebec, and I have met Indian bands in Ontario and in British Columbia. I made a trip to the district of Mackenzie in the Northwest Territories, and I met the Indians at Yellowknife, Inuvik, and apart from the basic differences between them which existed, and that you could see, nevertheless, there are more points of resemblance between them—their philosophy and their approach to their problems, and so on, which, I believe, make the administration of their affairs on a country-wide basis more acceptable.

Mr. MCQUILLAN: Of course, you were travelling. Perhaps you were in those areas long enough to wish that there was some flexibility to the Indian Act, and came to the conclusion that it was not an act that was made for all the Indians in Canada.

Mr. D'ASTOUS: I am afraid I would not be competent to comment on the Indian Act in its present form.

Mr. MCQUILLAN: I simply ask you if you did not often wish it were more flexible. You do not have to say whether it is good or bad. After all, we are trying to find out here just what to recommend, and you, as a senior officer in the Indian affairs branch, might help us out a little bit in that connection.

Mr. D'ASTOUS: I would still beg, Mr. Chairman, to decline giving a personal opinion in this connection.

Mr. SMALL: The problem we are trying to discuss is the differential between that of administration and the vagaries of human nature—how one can get along with nature. One individual is more adaptable than another, to deal with human nature, and no matter where you go, whether it is to different races, tribes or sectors, the same thing applies. No matter what race you contact, you will find the same temperaments, and a man who has had some experience in handling men will find, wherever he goes, things will work out pretty much on the same pattern. You will be able to understand his ways and how to handle him. There is a great difference between running a business in an administrative form and handling human beings. You cannot train a man in the department, no matter how much you move him about, if he has not the ability to work for men, and have men work for him.

Mr. D'ASTOUS: I think this is the most important qualification that any superintendent or assistant has to have.

Mr. SMALL: He needs more than book work.

Mr. D'ASTOUS: I agree with you; he needs more than book work. He must be a well-rounded man, he must have the ability to work with people in the proper way.

Senator HORNER: In furtherance of what was said earlier, I would like to say that you do find a great difference as between provinces. The problems of the Blood Indians, the Plains Indians in Saskatchewan, and the Northern Indians, are all different.

Mr. D'ASTOUS: Yes.

Mr. STEFANSON: During the past few years has there been any tendency to reduce the size of agencies or enlarge them?

Mr. D'ASTOUS: The tendency has been to enlarge the size of the agency. However, the total number of agencies across Canada has remained fairly static. A few years ago we had 87; it went up to 90, and at the present time we have 89. Some of these changes have resulted from the opening up of new areas, as, for instance, when we opened up new agencies in the north, such as in the district of Mackenzie. But, in other areas we amalgamate possibly two or three small agencies into a larger one in order to give us what we thought was a better size of operation to handle.

The small agencies to which I referred were staffed by one person—one superintendent alone. He had to look after his own bookkeeping and do the typing of his own letters. We do not think that this is too good in an administrative unit. So, where it was possible, two small agencies, or possibly three, were combined together to make one large agency.

Mr. ORMISTON: Has there been a financial advantage in this?

Mr. D'ASTOUS: Yes, we do believe there was.

Mr. STEFANSON: What is the average staff for an agency today? I know they do vary a great deal.

Mr. D'ASTOUS: They do vary, sir. I would say from one to ten, and the average would be around three or four.

Mr. SMALL: Is that what gave rise to some of the complaints we have heard about just recently, where an instructor or an assistant superintendent was moved? The headquarters was situated in the urban section; he was moved to another reserve, which resulted in complaints about his going off this reserve to another one. In this case, he was spreading out his service to the best advantage possible when, at the same time, one reserve thought they are being deprived of his services. I presume what you are trying to do, in this instance, was to take a capable and efficient man who had, more or less, served his purpose in one reserve, having had everything in order, and you transferred him to another.

Mr. D'ASTOUS: That is quite correct. Your summary of the situation is accurate. In the particular case you have in mind one agency is looking after the affairs of the Indians located on the nine reserves. We have three assistants in the field, and it becomes a pure mathematical equation: there are three assistants to look after nine reserves and, obviously, the lesser number which one should look after is three. In these circumstances, we feel that wherever it is possible to do so, we should locate the assistant at the agency headquarters so he will have a better opportunity to visit not only one reserve, but the three reserves under his jurisdiction. This is a delicate situation which we are facing. We do not do this sort of thing without taking all the precautions that we can afford to take. We do not change the location of an assistant—or it could also be an Indian agency—without consulting with the Indians themselves. We try to get their support a long time before we come to a decision. In some cases this is difficult. Indians on a reserve are not necessarily all of the same opinion, and, in the case in question, although representations were made by one group of Indians who were appearing in front of this committee, others took a different view. We do have our difficulties in situations like that. We are very cautious and careful, and, as I have said, we do everything possible to try to meet the views of all these people, but we still have to give consideration to promoting the most efficient administration possible, and the best service we can provide to the Indian people.

Mr. McQUILLAN: Do you say that it is the ambition of any ambitious person employed in the branch to end up in a senior position in Ottawa?

Mr. D'ASTOUS: Well, I am sure a large number of field workers have that ambition, and I think it is a very healthy one.

Mr. McQUILLAN: You probably will not like this question, but would it be better if their ultimate ambition was to end up in a senior position with the province?

Mr. D'ASTOUS: I think the two things go together.

Mr. SMALL: I can understand your problem in that regard, and also in connection with the training. The difficulty arises in that the reserves or bands regard themselves as separate entities, and anything that has been assigned to them, they think it is their prerogative to guard it and have no one tamper with it. For instance, if you were operating from a head office at some particular place in a province or municipality, you would move certain people into your headquarters, or to such places where you thought they could receive proper training, where you had the best service to give them. The minute you attempt to do that with an Indian you run up right away against the position that he is not going to be taken off his reserve and go to another reserve to get training. The only way you could overcome that would be by moving the instructors from one reserve to another or from one band to another.

In industry you would never change in that way from one branch to another. If you wanted to give a man a certain training you would move him. I hope I have made myself clear.

Mr. D'ASTOUS: Yes, and this is one of the considerations we had in mind when we dealt with the training program, to bring the facilities to them and then later get some of these younger people to become assistants within the region where they had gathered their training.

Mr. SMALL: It would not be possible to move one man from one reserve to another. There would be friction right away if one Indian came to another reserve for training in husbandry work or farming, as I have in mind, rather than transfer the instructor over to that reserve, that is transfer the instructor from one reserve to another. In the case of industry you would move the man from one place to another for training. If the training centre is at Montreal you would move the man, say, from Toronto to Montreal; but you could not do that in the case of reserves. You could not attempt to move one Indian from one reserve to another in that way.

Mr. CHARLTON: Why could you not do it?

Mr. SMALL: Let us change this and not call it a reserve at all. Suppose that here in Ottawa we had got the head office and down at Smith Falls we have a branch and down further, say at Kingston, we have another branch. Suppose that we have got our top training in Kingston. Then we would move the man in Smith Falls to Kingston for training. You might move him down to Peterborough for training if the training centre were located there and after he had got the training he would go back into his original position. However, you cannot do that with the Indians.

Mr. D'ASTOUS: No sir. There might be some confusion here when we refer to the assistants, as we know them today and some other persons refer to the same people as farming instructors on the reserves. Prior to 1946 the Indian superintendents did not exist as such. They were known as Indian agents or farm instructors. The Indian agents were regular civil servants and the farm instructors were exempt from certain provisions of the Civil Service Act.

At that time the farm instructor's responsibility was to teach and train the Indians in farming and other vocations. Following the report of the first joint committee this Indian agent category disappeared and they were replaced by Indian superintendents as we have them today. The classification

of farm instructor also disappeared by 1947; they were replaced by three classes of assistants—assistant grade 1, assistant grade 2 and assistant grade 3. The duties of these assistants were not at all the same as those of the former farm instructors. I was checking on that yesterday in my reading. It was thought at the time that one of the reasons for replacing the farm instructor by an assistant superintendent was that the assistant would participate in the administration and supervision of the Indian affairs branch operations at large. He would be truly acting as a superintendent, instead of being only responsible for training Indians in farming or in other vocations. I think this is a very important change which took place in 1948 and was completed in 1949 and that it should not be overlooked.

Today if we refer to an assistant who has a very definite responsibility to carry out a very definite function he should not be confused with the farm instructor of 10 or 12 years ago. This is something that we have to live out of but it might take another 5 or 10 years before the Indians themselves make the adjustment in certain cases. The assistant today should be more of an itinerant man who would go around and try to deal with as many problems as possible instead of being located on one reserve waiting for visitors to come in from morning to evening discussing everything and nothing.

Senator HORNER: Where you were promoting an Indian superintendent, would you not find it would be better to employ him on another reserve, different from his own? I would have thought that would be very necessary. In the case of a person starting to teach school for instance for the first school it is not wise for that person to take his or her home school. Would you not think that kind of thing would apply? I think that is what was done in the case of Saskatchewan. I think it was a wise move.

Mr. D'ASTOUS: Yes.

Senator HORNER: I would think that you would find that necessary. In the case of all promotions, then, they would be changed to another reserve when being promoted.

Mr. D'ASTOUS: I would not be in a position right now to say that I would consider this necessary, but as you say, sir, these are remarks I have heard from our own senior officers in the field, particularly in the region of Saskatchewan. At times it is desirable to assign an Indian employee, an Indian officer of the branch, to another reserve, or even another agency, instead of keeping him at home all the time.

Mr. SMALL: He would gain experience also, and then he would gain prestige in that he was elsewhere and was regarded as a very competent man, and therefore the Indians would have confidence in him.

Mr. D'ASTOUS: That is quite true but there could not be any fixed rule about that.

Mr. SMALL: Oh, no.

Mr. D'ASTOUS: I think we could use one case as an example. That of one of the assistants on the Blood Indian reserve. He is a member of the Blood Band, and his name is Assistant Gladstone. He was recruited there and served there for quite a number of years. Then he went up north where he served for another three or four years. Last year he came back with a promotion to the Blood Indian reserve, so now he is back with his people.

Senator HORNER: That is quite fine, after gaining experience outside.

The JOINT CHAIRMAN (*Mr. Grenier*): Could Mr. D'Astous tell the committee if there are many Indians holding positions besides the two who are chiefs and the nine assistants?

Mr. D'ASTOUS: We have two superintendents, 14 assistants, nine clerks, 13 stenographers. We also have 24 part-time Indian constables. Then we have

33 classified here on this sheet under the heading "Others", but this will include caretakers, motor boat operators, labourers, interpreters, fire rangers, and so on. This gives a total of 95. These 95 persons are of Indian status, and employees of the agencies division. This is for the agencies division only, it has no reference to caretakers in schools, who would appear under the education division.

Mr. ORMISTON: It does not take in teachers, either?

Mr. D'ASTOUS: No, I think the figures for Indians in the service at large is well over 200.

The JOINT CHAIRMAN (*Mr. Grenier*): Is the number increasing from year to year?

Mr. D'ASTOUS: Yes, definitely.

Senator HORNER: Are there good prospects for it to continue to increase?

Mr. D'ASTOUS: Yes, sir. As I said before, we are very concerned and very anxious ourselves to see more Indians join the service. This year there is one particular group about which we have been concerned and which is my own special line of responsibility—administration and staff management. We were concerned about the number of young girls and young boys who graduate from business and commerce schools but who do not have any good chance to be placed in employment before some sort of a transition way is provided before they go to the open labour market in the cities and start working in a lawyer's office or a bank.

We felt we could play a role there by opening up the Indian agency offices and the regional offices in our large centres to these youngsters, so as to provide for them a short period of training as clerks and stenographers, a period which may last from one month to six months. Subsequently we thought we could refer the youngsters to our placement officers, who would then be in a better position to sell this Indian asset to employers at large in the cities. This is a new venture. It is being introduced on a limited scale, but from the results we have obtained so far I believe it is very encouraging. For instance, in the Toronto office they have already placed three young Indians in a very short period of time. It did not take six months or even one month—after one or two weeks they had enough training to make them available and they went immediately to banks or some other type of business. From what I hear, they are doing very well there.

We are trying to encourage this type of training, not with the idea that we will pick up all these clerks and stenographers ourselves within our field service, but an ancillary or auxiliary service we are providing in order to assist in the broader field of placement of Indian persons.

The JOINT CHAIRMAN (*Mr. Grenier*): Are young Indians encouraged to apply for jobs in the field?

Mr. D'ASTOUS: Yes. This last winter we issued a specific directive to the Indian superintendents in the field, reminding them of their responsibility in this sphere and asking them to encourage Indians to apply for positions in the civil service. We indicated to the superintendents again it was their responsibility to bring to the attention of young Indians all across Canada the posters issued by the civil service commission from time to time. Now, Mr. Chairman, if I may digress for one moment and come back to the earlier question. The total number of persons of Indian status with the branch is 255.

The JOINT CHAIRMAN (*Mr. Grenier*): Would you tell the committee if you have any people of Indian status at headquarters here in Ottawa.

Mr. D'ASTOUS: Yes, we have. Several.

Mr. McQUILLAN: I suppose a question concerning job training would probably come under another witness?

Mr. D'ASTOUS: Yes.

Mr. McQUILLAN: On page 2, at the bottom, you speak about uniform procedures. What are you referring to there in that paragraph?

Mr. D'ASTOUS: Office procedures include bookkeeping, the accounting system, form designing to reduce the number of forms, to improve the forms and so on. The procedures are numerous. They are incorporated in a field manual, which has to be amended and kept up to date constantly.

Mr. STEFANSON: Which do you think works better—to have the agency headquarters located on the reserve or located in a neighbouring town?

Mr. D'ASTOUS: Again it is hard to reply to that question in a very specific way. In the first place in many areas we have no choice. If you think in terms of the north and you are at Norway House for instance, the answer is simple—you are there and you stay there. Island lake is a similar case. Generally speaking I believe that the town location has advantages over the reserve location, in the majority of cases. However, I am sure we shall have to make exceptions for a long time to come. In some cases, the question of relocating the agency office outside the reserve is just not realistic.

The JOINT CHAIRMAN (*Mr. Grenier*): I think page three has been covered. We shall go on to page four.

Mr. STEFANSON: I notice in this page you refer to the importance of roads to reserves. Also, being from Manitoba I notice that you state:

In the province of Manitoba, while no formal agreement exists at the moment, the province has accepted a share of the cost of developing roads on several major reserves as well as roads into areas where reserves are situated.

When did the province first start contributing towards roads on Indian reserves?

Mr. D'ASTOUS: It is hard to say. I believe it would be around 1954 or 1955, though there may have been contributions made by the province prior to that. In the absence of formal agreement it is difficult for me to be fully aware of what took place before I came into this area of administration.

Mr. STEFANSON: But, at the present time, they are cooperating on roads and bridges. I have noticed this in my constituency, which takes in the Fisher river agency. They have contributed 50 per cent for this work.

Mr. D'ASTOUS: Yes.

Mr. STEFANSON: And are quite willing?

Mr. D'ASTOUS: Quite willing to continue the same cooperation.

Mr. SMALL: With reference to this matter of roads within a reserve, one delegation wanted roads within their reserve because roads were necessary for police maintenance and fire protection. In other words, they give the Indians a chance of intermingling and of better cooperation. Another group said they did not want any. If they got roads leading up to the reserve, that was all right, but they did not want roads within the reserve where, possibly, bootlegging operations were being carried out. Roads, in such a case, would give easy access to the police. They wanted good roads from the reserve into the urban areas, but too easy access within the reserve had its own problems. Some of them want this and others do not.

Mr. D'ASTOUS: I think that would be a rather exceptional case.

Mr. SMALL: We thought it was exceptional, anyway.

Mr. D'ASTOUS: From my knowledge of the situation, the Indians want roads on their reserves, and good roads at that.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions on page four?

Mr. ORMISTON: You state that your branch is becoming more actively involved in the field of sanitation. Is it possible to get any help from the provinces with regard to the provision of sanitary facilities on a reserve? Have you investigated this angle?

Mr. D'ASTOUS: I do not think we have.

Mr. SMALL: Would that not come under the legislation of the provinces in regard to health matters? Is it not their responsibility to maintain sanitation, whether it be in the cities or the municipalities? Is that matter not removed from the federal government, or has your department any authority? Is it not the health of the province which is the paramount issue?

Mr. D'ASTOUS: I believe this is covered in the Indian Act. As the Indian Act refers to conditions of health measures on reserves, then provincial legislation does not apply. It is on the basis of what is in the Indian Act that we are drawn into this serious matter of sanitation and other public utilities. Sanitation goes along with water supply.

Mr. SMALL: Has not that been the problem with Indians for centuries—sanitation? When you bring a water supply to a reserve there naturally follows the problem of sanitation. You have to get purification plants and sanitation plants. Surely the Indian department cannot saddle itself with that problem?

Mr. D'ASTOUS: Well, it would be worth studying. I should like to add that where we are responsible for the construction of waterworks and sewage disposal systems, we have always to comply with provincial legislation. On the same subject, where we have done such construction and made it possible to have water services on a reserve, we have negotiated with municipalities. If, for instance, there is a municipality adjacent to a reserve, that is prepared to extend its water service to the reserve, then we are interested in that. We negotiate with the municipality and try to arrive at a reasonable compromise whereby the Indian affairs branch accepts part of the capital cost and authorizes the municipality to extend services to the reserve, with the proviso that the Indian users will pay water rates and things of that nature to the municipality. That is, in the same way as residents within the municipality itself. There have not been too many of these undertakings but precedents have been created and the two or three agreements we concluded have worked satisfactorily.

Mr. SMALL: Do you have much difficulty in getting the Indians to accept responsibility for paying water taxes?

Mr. D'ASTOUS: No undue difficulty.

Mr. SMALL: How do you arrange with the municipality which is bringing a water system on to a reserve—how do you arrange for disposal of sewage? How do you prevent the pollution of water? Do you also have to work with the municipality on that?

Mr. D'ASTOUS: It is a negotiated agreement and the municipality retains responsibility to operate the system as a whole. The system on the reserve is simply an extension of the municipal system.

Mr. SMALL: That can run into a costly proposition.

Mr. D'ASTOUS: It does.

Mr. CHARLTON: Are there any reservations in Canada where there are sewage disposal plants operating from a municipality, as well as water supplies?

Mr. D'ASTOUS: There is a small reserve adjacent to the city of Sydney, Nova Scotia, which has both a water and sewage system.

Mr. CHARLTON: Connected to the municipality?

Mr. D'ASTOUS: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): If there are no further questions members would like to ask Mr. D'Astous, I shall thank him very much for appearing before the committee and I can assure him his answers will be of great help to us when we come to make recommendations.

We shall meet again tomorrow at 9.30 and 2.30 in this room.

Mr. MCQUILLAN: Who will be the witnesses?

The JOINT CHAIRMAN (*Mr. Grenier*): Mr. Acland, senior administrator officer for the division, and also Mr. J. A. Gordon, chief of the welfare division, if we have time.

APPENDIX "Q1"

Chief James Montour
Lake of Two Mountains Reserve,
(Kanesataki),
Oka, Quebec.
April 20, 1961

M. Slack,
Clerk of the Committee,
House of Commons,
Ottawa, Ontario.

Dear Sir:

In reply to your letter of March 27, 1961, I respectfully request the following brief, as constructed by the Indians of Kanesataki, Lake of Two Mountains, Quebec; be submitted before the Joint Committee of the Senate and the House of Commons on Indians Affairs on our behalf, concerning the diminution encroachment of our lands.

Thak you for your cooperation.

Very truly yours,
James Montour,
Chief,
Lake of Two Mountains Reserve.

We, the Six Nations Mohawk of Kanesataki, Lake of Two Mountains, hold the Canadian Government responsible for our plight today.

We seek freedom from the restrictions imposed upon us by the Act of 1841 (Poulett Thomson) and the alleged purchase of the land by the Crown.

In the year 1773, Sir James Marriot, in a code of laws of the Province of Quebec, stated that, by the Conquest of the Province, and the Treaty of Peace, the Estates of the Seminary of St. Sulpice of Montreal had devolved to the Crown. This was subsequently confirmed in a report by Provincial law officers of the Crown to Lord Dorchester in the year 1788, which again states the Estates fell to His Majesty at the Conquest of Canada, by the laws of England, the possessors, have held these Estates as Trustees for His Majesty's use. A later opinion delivered by Attorney General J. Stuart, Que., Dec 10, 1828 to Sir James Kempt, Administrator of the Government of the Province of Lower Canada, stated in no uncertain terms the complete lack of legal title the Seminary of St. Sulpice of Montreal to the Lake of Two Mountains.

We claim the Act of 1841 was passed not on the basis of legal right, but as a political instrument to placate the French majority. We claim the Seminary's title to be originally defective. We have come across an alleged statement which stated they received Letters Patent from King Louis XIV dated 1717. He died in 1715, not long after ceding the nominal sovereignty of the Six Nations to Great Britain by the Treaty of Utrecht. The Six Nations did not sell or cede land to the King of France.

We question the Government on it's motives and intentions by purchasing the land in dispute. For the future status and security of our people, we demand that the Lake of Two Mountains be declared a Reserve for the Six Nations Mohawks, on the same basis as the Caughnawaga and St. Regis Six Nations Mohawks, with a clear title and the granting of the Eleemosynary fund in our behalf. Since they were in similar circumstances, we feel we have been unduly discriminated against. Even by the Act of 1841, granting title of the Lake of Two Mountains, the stipulation to the Seminary was to make some provision to the Indians. They still conducted a non-user of franchise, as they did

in the original French grant. As a result, those who would not become Catholic by compulsion, were subjected to cruel indignities, so much so, that the Government had to place an Indian Agent here to protect them. We ask for a change of venue, for subsequent proceedings, on the ground of bigoted prejudice.

We would ask for all documents and surveys made of this area to be introduced as evidence.

We also protest the Act of the Quebec Legislature and question the legality of the measure which granted the golf course land. As interested parties, we were given no notice of the intended proceedings, and had no opportunity to offer rebuttal. We also consider the building of the clubhouse directly adjacent to our graveyard a desecration and an insult to our sensibilities.

We are not against education, to compete favorably on an economic level, we need it. But, we want to keep our own language, our own ethnic identity, own our lands, govern our affairs ourselves, just as the French have been allowed to do.

We state that the Government's failure to assert it's Authority and provide protection on our behalf, our rights under the Proclamation of 1763 were violated.

By remaining criminally silent in the face of injustice, the Government is as legally and morally guilty, as the ones who committed the injustice, though they themselves did not take actual part in the proceedings.

Copy of Department of Legislature of Upper Canada

When George III sent out Simcoe as His representative to govern Upper Canada, he made a Treaty with the Indians at the Bay of Quinte, called "The Gunshot Treaty". Thousands of Indians were present including the principal Chiefs of the different Tribes. The Government stated that although the Government wanted the lands, it did not intend to deprive the Indians of their hunting and fishing rights and privileges as it is a source of their living and sustenance. These provisions were to hold as long as the grass grows, the waters run, and as long as the British Government is in existence. This includes the cutting of basket timber.

We also ask to reconfirm these rights to fishing and hunting and the cutting of basket timber, free of molestation.

Concerning a more recent letter received by myself, from Mr. L. Brown, Acting Director, to Mr. Frank Howard, M.P.; Mar. 30, 1961. We wish to state clearly, that we are far from satisfied at the outcome of the last committee meeting we attended, Mar. 14. The subject was opened on the basis of the diminution and encroachment of our lands and developed into a meandering affair solving nothing. Now, as to the subject of signing the Branch Labour Force Inventory Forms; The signed statement would require us to move from the Reserve to the location of the job. We have no objection to working, but within commuting distance. We Contend that there is too much discrimination and patronage in getting jobs in the immediate vicinity. We feel that by taking up residence and jobs off the Reserve, the Government, by the nature and wording of the so-called deeds we hold, which we distrust, will step in and claim our homes and lands. We certainly do not feel that we should come under "public expense", that we are entitled to our share of the Eleemosynary Fund, so piously instituted.

For over a century, the controversy has been waged over this land, to our detriment. We have opposed an organization far wealthier, far more influential. Our appeals have been strangled and thwarted in every instance, and our rights have been ignored.

Let us this time, reverse the usual order and let Justice have it's sway.

Chief James, Sakokate (his mark) and Montour,
Samuel Sohenrese Nicholas

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

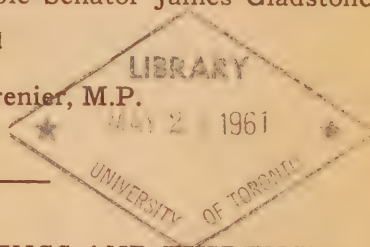
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INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.



MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, MAY 4, 1961

WITNESS:

Mr. Eric Acland, Senior Administrative Officer, Administration Division,
Indian Affairs Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE FOR THE SENATE

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Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i>
Mr. J. A. Charlton,	<i>and Victoria</i>),
Mr. F. J. Fane,	Mr. J. N. Ormiston,
Mr. D. R. Gundlock,	Hon. J. W. Pickersgill,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. A. R. Horner (<i>The Battleforás</i>),	Mr. W. H. A. Thomas,
Mr. F. Howard,	Mr. J. Wratten—24
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 4, 1961.
(15)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, Horner, Inman, MacDonald.—(4).

The House of Commons: Messrs. Badanai, Barrington, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, Horner (*The Battlefords*), Small, Stefanson.—(11).

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. Eric Acland, Senior Administrative Officer, Administration Division; Mr. J. H. Gordon, Chief, Welfare Division; Mr. R. F. Battle, Chief, Economic Development Division, and Mr. C. I. Fairholm, Executive Assistant to the Director.

Mr. Acland was called and he read a brief on the role of the Administration Division of the Indian Affairs Branch.

The Committee considered the above-mentioned brief page by page and Mr. Acland was questioned thereon and supplied additional information.

The questioning of Mr. Acland being continued, the Committee adjourned at 11.00 a.m. until 2.30 p.m. this day.

AFTERNOON SITTING (16)

The Committee resumed at 2.30 p.m., the Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (*Kamloops*).—(4).

The House of Commons: Messrs. Badanai, Barrington, Charlston, Fane, Grenier, Horner (*The Battlefords*), Miss LaMarsh, Messrs. Ormiston, Small, Stefanson, Wratten.—(11).

In attendance: Same as at morning sitting.

The Committee resumed the consideration of the brief presented by Mr. Acland dealing with the role of the Administration Division.

Mr. Acland clarified an answer he gave at the morning sitting to a question raised by Mr. Small dealing with liquor infractions.

Mr. Acland was further questioned and supplied additional information thereon.

The questioning of Mr. Acland being completed, at 3.45 p.m., the Committee adjourned until 9.30 a.m. Tuesday, May 9.

M. SLACK,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 4, 1961.

The **JOINT CHAIRMAN** (*Mr. Grenier*): Good morning, ladies and gentlemen. We will now call on Mr. Eric Acland, who is the senior administrative officer. I will ask Mr. Acland to read his brief to the committee. I believe the members have copies.

Mr. **ERIC ACLAND** (*Senior Administrative Officer, Indian Affairs Branch*): Mr. Chairman, hon. members of the Senate and of the House of Commons, my report to the committee on some aspects of the work of the administrative division, Indian affairs branch, is in essence an updated version of the program covered in pages 7 to 11 of a review of activities of the Indian affairs branch for 1948-58. I understand that members of this joint committee are conversant with that document.

The administration division has two principal areas of responsibility and is organized into two sections, the administrative services and the secretariat.

The administrative services section is primarily concerned with providing services designed to assist administration generally. Specifically these services are related to such matters as forms control, inventory control, office equipment and supplies, estimates, central registry, stenographic and typing services, accommodation, and the like.

Perhaps I should add to that one of the more onerous responsibilities and that is the coordination of matters and questions which involve more than one division.

The other side of administration is, however, concerned in large measure with matters of a quasi-legal, quasi-constitutional nature, entirely peculiar to Indian affairs: band councils and band council elections, band council by-laws, the liquor sections of the Indian Act, and like matters. In addition, the secretariat is responsible for answering general inquiries from the public respecting Indians and the work of the branch.

The following summaries highlight areas of responsibility which have been accorded increasing attention in recent years and which continue to be salient aspects of Indian affairs administration.

Band Councils and Band Council Elections

The band council is the officially recognized body with which the department deals in matters relating to band affairs. Apart from the specific powers conferred by the Indian Act, the band council is also concerned with all matters affecting the welfare of the band.

There are two types of band councils, those chosen according to an elective system under section 73 of the Indian Act and those chosen according to the custom of the band. In many cases, however, the band custom has been so modified that it closely resembles the elective system provided in the Act.

Under the elective system chiefs may be elected by a majority of the votes of electors of the band at large, or by the councillors from among themselves. Councillors may be elected by a majority of the votes of the electors of the band or, where a reserve is divided into electoral sections, by a majority of the votes of the electors of a section. A member of a band who is 21 years of age

or over and who is "ordinarily resident" on the reserve may vote in band elections. Council members hold office for a period of two years under this system.

It is the hope of the department that all bands will eventually elect their councils under the provisions of section 73 of the Act. However, no band is placed under these provisions unless such is requested by a majority of the voting members. Similarly, the wishes of the majority are ascertained with respect to the above-noted methods for electing chiefs and councillors before the minister declares by order that a band be placed under section 73.

Bands placed under section 73 conduct their elections in accordance with the Indian band election regulations established pursuant to section 73 of the Indian Act. The regulations provide for the manner in which nomination meetings and voting shall be carried out; procedure to be followed at the poll; disposition of ballot papers; appeals; and secrecy of voting. Rules are also incorporated in the regulations for interpreting the words "ordinarily resident" in all matters pertaining to the right of an elector to vote in an election. These rules have the effect of prohibiting a band member whose place of habitation is not on the reserve from voting in band elections.

Bands are becoming increasingly aware of the advantages of being placed under the elective system which provides for a democratic and orderly form of local self-government. As of November 21, 1960, there were 361 bands under the provisions of section 73, while 196 bands maintained their band customs with regard to choosing chiefs and councillors. Indian women as well as men are taking an active part in band affairs. As of November 21, ten women held office as chiefs and sixty-six as councillors.

In October 1953, regulations governing procedure at Indian band council meetings were established under authority of section 79 of the Indian Act.

To provide chiefs and councillors with information they require for the efficient conduct of their office, a *Handbook for Indian Band Chiefs and Councillors* is issued to all council members by the department upon their election to office.

Band Council By-Laws

In line with the policy of encouraging the Indians to take a greater interest and responsibility in the management of their affairs, sections 80 and 82 of the Indian Act provide that band councils may make by-laws concerning various matters of a local nature arising on their reserves.

Under section 80, the responsibility of band councils includes such matters as health; regulation of traffic; control of livestock; public works; zoning; conduct of business; protection of band property; surveys and allotment of lands; as well as the preservation, protection, and management of natural resources.

Those bands which have been declared by the governor in council as having reached an advanced stage of development may make by-laws under section 82 of the Indian Act. These by-laws have to do with the raising of money, the appropriation and expenditure of moneys to defray band expenses, and the appointment of officials to conduct the business of the council and provide for their remuneration. To date twenty-seven bands have been accorded this wider authority provided under section 82.

An indication of the extent to which the Indians of Canada are assuming greater responsibility in the intelligent administration of their own affairs will be apparent from the number and types of by-laws passed by various band councils throughout the country.

BY-LAWS AS AT DECEMBER 31, 1960

Section 80 and 82

No. of By-Laws by Provinces				No. of Bands Passing By-Laws	
	Sec. 80	Sec. 82	Total		
British Columbia	97	40	137	British Columbia	35
Alberta	29	..	29	Alberta	15
Saskatchewan	4	2	6	Saskatchewan	3
Manitoba	11	..	11	Manitoba	8
Southern Ontario	35	..	35	Southern Ontario	13
Northern Ontario	9	..	9	Northern Ontario	8
Quebec	23	4	27	Quebec	7
Maritimes	5	..	5	Maritimes	2
	213	46	259		91

Types of By-Laws		No. of By-Laws by Year	
Disorderly Conduct	37	1951	Nil
Garbage Disposal	26	1952	9
Traffic	29	1953	20
Weed Control	20	1954	49
Conduct of Hawkers	21	1955	37
Water Supply	20	1956	35
Licensing	22	1957	25
Pounds (animal)	25	1958	33
Sanitation	17	1959	33
Fish and Game	15	1960	18
Expenditure of moneys	10		
Fencing	4		259
Electric Power	5		
Zoning	2		
Other	6		
	259		

To assist band councils in drafting such by-laws, the administration division has prepared a number of sample by-laws which are provided to the councils upon request. Advice is also given to band councils in drafting by-laws where the prepared samples are not adequate to meet the need in question.

Liquor

Total prohibition of the use of any kind of intoxicant by Indians, except for medicinal purposes, was the significant feature of the liquor provisions of Indian legislation passed by the parliament of Canada, as consolidated in the Indian Act of 1876, and this policy continued with minor changes until 1951.

The liquor problem was considered by the special joint committee of the Senate and House of Commons on Indian affairs, 1946-48, who heard the views of both Indian and non-Indian organizations, groups, and individuals. In its final report to parliament, the special joint committee recommended as follows:

That the Indians be accorded the same rights and be liable to the same penalties as others with regard to the consumption of intoxicating beverages on licensed premises, but there shall be no manufacture, sale or consumption, in or on a Reserve, of "intoxicants" within the meaning of the Indian Act.

To some degree this recommendation was embodied in the Indian Act of 1951, C29, S1.

Following further study and meetings with Indian bands throughout the country, the liquor sections of the Indian Act were again amended in 1956 with a view to providing for the possession and consumption of intoxicants on a reserve in accordance with the laws of the province, on a progressive basis.

The liquor provisions of the Indian Act now provide for three stages. These are as follows:

- (1) At the request of the province and with the concurrence of the governor in council, Indians may be permitted to consume intoxicants in public places. "Public places" might be interpreted as licensed premises.
- (2) At the request of the province and with the concurrence of the governor in council, Indians may be permitted to possess and consume intoxicants off reserves in accordance with the laws of the province on the same basis as others.
- (3) At the request of an Indian band council, that the band be permitted to possess and consume intoxicants on a reserve:
 - (a) Where stage (2) is already in effect in the province concerned, a referendum is held and, if the majority of the electors of the band voting are in favour, the governor in council may issue a proclamation accordingly.
 - (b) Where stage (2) is not in effect, the province is notified of the band council's wishes and, if the province does not object within sixty days, a referendum may be held. If a majority of the electors of the band voting on the referendum are in favour, the governor in council may issue a proclamation accordingly.

Five provinces, the Yukon, and the Northwest Territories have requested and obtained an application of the provisions of section 95(2) of the Indian Act (consumption in public places) as under:

Province or Territory	Date of Proclamation
British Columbia	December 15, 1951
Nova Scotia	January 2, 1952
Ontario	July 1, 1954
Manitoba	July 16, 1956
Yukon	November 1, 1955
Northwest Territories	June 27, 1958
Saskatchewan	July 1, 1960

At the request of the lieutenant-governor in Council of Ontario, the governor in council issued a proclamation declaring section 95(3) of the Indian Act to be in force in Ontario on November 6, 1958. This means that Indians in Ontario may now purchase intoxicants in the same manner as other citizens in accordance with the laws of the province. Section 95(3) of the Indian Act was similarly brought into force in the Northwest Territories on November 18, 1959, in Saskatchewan on July 1, 1960, and in Manitoba on July 13, 1960.

The coming into force in Ontario, Saskatchewan, and Manitoba of Section 95(3) of the Indian Act has also meant that proclamations may be issued under section 96A of the Act to permit the possession and consumption of intoxicants on Indian reserves in those provinces in accordance with the laws of the province.

In Ontario, as at December 31, 1960, proclamations have been issued by the governor in council extending liquor privileges to the reserves of 30 bands. Four referendums were proceeded with for bands in the province of Saskatchewan and by December 31, 1960, the governor in council extended liquor privileges to the reserves of three bands.

Law Enforcement on Indian Reserves

In those provinces where they act as the provincial law enforcement agency that is under contract; the Royal Canadian Mounted Police are responsible for the enforcement of provincial laws and the Criminal Code on Indian reserves. They are also responsible for the enforcement of the Indian Act and regulations made under the Indian Act everywhere in Canada. Enforcement of provincial laws and the Criminal Code and other laws of general application on Indian reserves in Ontario and Quebec is a matter for local arrangement between the provincial police and the Royal Canadian Mounted Police.

Where the Royal Canadian Mounted Police deem it expedient, Indians may be employed on reserves as special supernumerary constables of that force. Their warrants, issued by the Royal Canadian Mounted Police, must be renewed annually to remain in force. Primarily the function of an Indian constable is to enforce the Indian Act on an Indian reserve. Where necessary, however, he may also act in cases under the Criminal Code and other federal statutes.

Murder Cases

Although not obliged, constitutionally, to do so, the department has for many years provided defence counsel for indigent Indians charged with murder when the accused is without means to provide for his own defence. This is done as an act of grace and in no way implies responsibility in the defence of indigent Indians charged with other crimes which is provided for under varying provincial measures for the defence of indigent citizens of all racial origins.

Remission of Sentence

Over the years the administration division has acted in a liaison capacity between the remission service, latterly the national parole service, of the Department of Justice, and field officials on remission cases involving persons of Indian status.

The policy has been that the Indian affairs branch does not, save in most exceptional circumstances, initiate remission proceedings. Application for remission or parole is made by the individual concerned direct to the parole service. The procedure followed in dealing with these cases has been that in the majority of instances the parole service refers cases to branch headquarters. Indian superintendents concerned are then requested to report on the character and reputation of the accused, family background, marital status, previous convictions, employment opportunities, rehabilitation facilities, and any other information which would be of assistance in arriving at a satisfactory conclusion respecting release. Our field officers also work in close collaboration with agencies such as the John Howard Society, the Elizabeth Fry society, and parole service officers.

Public Relations

Since the present act came into force, the department has recognized the need of a greater understanding of Canadians of the Indian race by their non-Indian fellow citizens. This basic need became increasingly apparent as integration progressed.

Fortunately, over the past ten years there has been growing evidence of an awakened interest on the part of the general public and many hundreds of individual enquiries to the branch are processed annually. In addition to individual expressions of interest, the number of organizations involved in studies of the Indian has increased many times in recent years. Women's clubs, church organizations, home and school associations, and the like, seem to have become increasingly aware of the Indian as a factor in Canadian life and seek information on him.

The department, to meet this need, has produced one documentary film, "No Longer Vanishing", which has been well received in Canada and elsewhere, and also photographic displays and informational brochures. The most recent of these brochures entitled "Indians of British Columbia" and "Indians of the Prairie Provinces" are the first and second of a series on the historical background of Canadian Indians. At least two more in the series are planned to complete the historical review. General information respecting Indians and the work of the Indian affairs branch is provided in a brochure entitled "The Canadian Indian" which is periodically revised as modifications in Indian status and the work of the branch occur. Branch annual reports are also of value as a public information medium.

It is proposed to further expedite the dissemination of accurate information on our Indian people in the near future with the employment of a technical officer trained in this field.

GENERAL OBSERVATIONS

The minutes and proceedings of this committee at least those which have so far been published, indicate that certain matters of concern to the administration division have been raised from time to time by Indian delegates and others. Therefore, a few brief observations on these points at this time might be of some value.

Band Council Elections

Term of office. The suggestion has been made that the terms of office for band council members elected under the provisions of section 73 of the Indian Act should be extended. It has been the experience of the department that while band councils may favour an extension of their terms of office to three or more years, evidence is lacking that band members in general support this view. The present term of office of two years would appear to be generally satisfactory and it is not inconsistent with the term of office most often in use for non-Indian councils of a similar nature.

In actual fact, when the election provisions of the act were first applied a number of Indian communities objected to the length of the term of office. These objections seemed to fall into two categories: those who found they had elected an ineffectual council, and therefore desired that the term of office be of shorter duration; and those well pleased with their council and desiring that the term of office be arbitrarily lengthened a not unnatural desire. In recent years such petitions have been rare and it must be assumed that band voters now realize the answer lies in the ballot box.

Staggering of elections. The suggestion has also been made that the election of band council members under section 73 should be staggered; that is to say half the council would be elected one year and the other half the next year with each half serving a two-year term. While there may be something to be said for continuity of experience that would be provided by having the election of councillors staggered, there are some difficulties in such a system. For example, whether or not annual elections would meet with favour from

the band electorate is open to question. Another point to bear in mind is that unity of purpose might be as important as continuity of experience. Thus, a council that was initially unified with respect to specific plans for a two-year programme could meet with disunity under the staggered system of elections and the plans break down. As a matter of fact the experience has been that in a good many cases there is continuity of experience provided in the councils because members are re-elected quite frequently for two or more terms.

While it is true that some Indian communities might be able to adapt themselves to a staggered system of council elections, this might not apply to the majority. Consideration is given to the fact that Indian bands switching from tribal custom to elections in the matter of the selection of their leaders have a traditional and psychological barrier to overcome. A staggered system of council elections might serve to make this step even more difficult.

Payment of Salaries to Band Council Members

It is noted that some Indian groups have requested that band council members be paid salaries by the federal government. However, the view taken by the department in the past has been that payment of salaries to council members is a matter for members of the band to decide and that salaries should come only from the resources of the band (band funds or funds raised under section 82 of the Indian Act). While the problem facing bands without sufficient means to pay their council members is appreciated, the department has not felt justified in recommending the use of public funds for this purpose.

Band councils are presently similar in form and function to non-Indian councils in smaller rural or urban communities whose Reeves and Councillors often do not receive salaries but gain satisfaction through a sense of community service. So long as it is deemed necessary for the department to employ administrative personnel for these communities there would appear to be little justification for the use of additional public funds for the payment of chiefs and councillors.

Chief to be Presiding Officer at Band Council Meetings

There has been mention of the role of the band chief at band council meetings. The department entirely agrees that the band chief should be the presiding officer whenever and wherever possible, and instructions to this effect have been issued to all agency superintendents. In addition, this procedure is laid down in the regulations and is specifically referred to in the "Handbook for Indian Band Chiefs and Councillors".

Band Council By-Laws

Availability of by-laws. It is noted that representation has been made concerning the availability of copies of band council by-laws for the use of band councils and band members. Extra copies of all by-laws are now forwarded to Agency offices for this purpose.

Right of Minister to disallow by-laws. It would appear that some Indian groups apparently object to the Minister's right to disallow band council by-laws pursuant to section 81(2) of the Indian Act. The department's view in this matter is that the minister is in much the same position as the ministerial head of a provincial department of municipal affairs whose responsibilities include the supervision of municipal by-law enactments. In actual practice only those by-laws which are ultra vires by virtue of the Indian Act are disallowed. It will be appreciated that Indian councils require guidance in such matters on the same basis as their non-Indian counterparts.

Provision of Legal Counsel

With regard to indigent Indians charged with criminal offences other than murder, the department has taken the view that defence counsel for such persons should be provided by the provinces as it is for non-Indians in similar circumstances. This is in agreement with the principle that the administration of justice is a provincial responsibility. To the best of our knowledge the provision of defence counsel has in fact been undertaken by the provincial authorities for indigent Indians facing criminal charges other than murder.

From time to time the department has assumed legal expenses where matters before the courts involve a constitutional issue or the establishment of a precedent which in the Department's opinion would be likely, to affect the welfare of Indians in general. Such for example was the case of *Rex vs. Cardinal, et al., Saddle Lake—Infraction of the Alberta game laws*.

On occasion, at the request of the Indian bands concerned, the department has approved the use of band funds for legal costs involved in placing before the courts matters of general concern to Indian communities. For example, in the case of *Louis Francis vs. Her Majesty the Queen* which concerned the relevancy of the Jay Treaty to Canadian Indians, the Sarnia, Moravian, Blood, Squamish, Caughnawaga, and Walpole Island Bands together contributed a total of \$3,275 for the employment of counsel.

Individual Indians involved in civil suits or seeking advice on various personal legal problems are expected to provide for their own counsel in the same manner as non-Indians. The department has held the view that to differentiate between Indians and non-Indians in this respect would in fact be a backward step in the progress of Indians toward social and economic integration in Canadian society. In some quarters, both Indian and non-Indian, the belief is prevalent that Indians are "wards" of the government. It is felt that the department would only perpetuate this damaging belief by assuming a financial obligation for the provision of legal services on a basis not available to fellow citizens of non-Indian status.

The JOINT CHAIRMAN (*Mr. Grenier*): We will proceed, starting with page 1, with questions members of the committee would like to ask Mr. Acland.

Mr. FANE: Mr. Chairman, I would like to ask if the trend throughout Indian bands in Canada is still to elect their chiefs by ballot, or are they going back to electing them by tribal custom?

Mr. ACLAND: I cannot answer that yes or no, because you may be interested, sir, to know that some of the bands, although they still use tribal customs have now adopted the ballot box. This is a psychological block, you see. They do not want to come under section 73, but they still go through the motions. Answering your question generally, I would say yes, that there is still a continuing trend towards this.

Mr. FANE: Towards electing them by tribal custom?

Mr. ACLAND: Towards a desire on the part of the Indians to come under section 73. In some cases it is a long process, and to a degree it is influenced by the type of council they have. If they have a council for which they have respect—a council they would like to keep—all right; but if by tribal custom a council has been appointed with which they are not satisfied, then, of course, they change very quickly.

Mr. FANE: Thank you.

Mr. WRATTEN: Mr. Chairman, I would like to refer to the second paragraph under "Band Councils and Band Council Elections", where it says:

There are two types of band councils, those chosen according to an elective system under section 73—

And then it says:

In many cases, however, the band custom has been so modified that it closely resembles the elective system provided in the act.

Are you saying in the hereditary chief system they elect their chief like they do the band council? I thought the chief was handed down from generation to generation.

Mr. ACLAND: That term "hereditary chief" is misleading, sir. I do not in actual fact know of any band council arrived at by birth. I know of none. It is a misleading term, this "hereditary chief". It is much better to stick to "custom of the band".

Mr. SMALL: It is a misnomer.

Mr. ACLAND: It is a misnomer, yes. It is very picturesque but it is not actually according to fact. It is not according to blood.

Mr. WRATTEN: Do you mean to say, then, that these people down on the Six Nations reserve, who cling very closely to the hereditary chief system and will not recognize the elected band chief they have there, do not still recognize chiefs who have come down through generation to generation by blood? Do they recognize chiefs who are just appointed, or something like that?

Mr. ACLAND: Sir, I am not an authority on the constitutional system of the Iroquois people in the past. I understand that it was a matriarchy in which the women may appoint a man to be chief, but as far as I know blood content does not necessarily have anything to do with it. The women have the right to appoint someone; but again "hereditary chief" is a misnomer, I would suggest.

Mr. CHARLTON: Mr. Chairman, how many cases have there been where elected councils have been accepted and there has been a request from a supposed majority of the band for permission to go back to their Indian custom?

Mr. ACLAND: I do not know of any cases, sir, where the majority of a band has asked for a return to the band system.

Mr. CHARLTON: Well, that should answer the question, then.

Mr. ACLAND: This is a difficult subject which has been touched on in the last two questions. I am advised by social anthropologists that in some cases amongst native minority groups there is a tendency on the part of some—who perhaps have not been able to keep up with the integration process and take full advantage of the new way of things—to return to past glories. This is not an unnatural desire. So this tendency—I think it is called a "nativistic trend"—may crop up in the future as these people, who are in many cases older people, feel they are being left behind in the general progress and desire to return to old traditions and old customs; but this is only a minority.

Mr. SMALL: Is it confined only to the Six Nations reserve, the custom of hereditary chiefs?

Mr. ACLAND: I think, due to the past glories of the Six Nations people and the Iroquois as a first-class Indian fighting warrior, let us say, there has been something of a tendency amongst the Iroquois people to revert. It is not impossible that in the future the same may apply to other groups.

Mr. SMALL: I do not know. My observation of the latest episode along that line was that it stemmed from the Tuscarora tribe, recently causing a lot of dissension there.

Mr. ACLAND: This is not peculiar to Canada, you know.

Mr. SMALL: No, I think you will find out there is an intercommunication between the tribes in the United States and Canada. You will find a lot in existence and particularly they voice their protests some place outside of Canada.

Mr. ACLAND: That is right, sir.

Mr. WRATTEN: I have often wondered, Mr. Chairman, at the trouble we have had down on the reserve between the hereditary and elected council, if there was some way that their hereditary chiefs down there could be recognized in some way or form by the elective council, and whether it would appease these people and get them to agree more to the elective council? I am for the elected council because I feel you probably get the best of the people on the reserve on that council.

Mr. ACLAND: Do you suggest something in the nature of a senate, sir?

Mr. WRATTEN: God forbid that.

The JOINT CHAIRMAN (*Senator Gladstone*): My own observation—and I have been at Brantford several times looking back over the years—I think the trouble at Brantford springs from the fact that part II of the act before 1951 applied to Indians who were progressing more than the others, and instead of getting the Indians to make their own decision as to what to do with the chiefs who were chiefs at the time that this regulation was applied to them, they struck them all off the list and elected this new band council. I think it was in 1924.

I think perhaps if the choice had been given to the Indians to leave the chiefs on and just elect the vacancies, and as the years went by and the chiefs died off they would be replaced by the elective system, this trouble at Brantford would probably have never occurred.

For instance, taking my own tribe—I hate to be always referring to my tribe—but the same system was applied to us. However, we had over a year to decide what to do with our chiefs, the old custom chiefs, and we decided that the tribe in different meetings—and most of these meetings were held during our dances—we decided to leave the old chiefs on because they were a good faithful bunch. But there were six vacancies and we decided to fill the six vacancies. This was the three year system, and at the end of the three year system if there were any vacancies caused by the older chiefs passing away the vacancies would be filled in the succeeding term of three years.

That was done on our reserve. We elected six councillors to fill the vacancies and left the old chiefs on—about fifteen. Then, at the end of 1933 when lists were being taken for the second term of the election there were two vacancies caused by the deaths of two of the chiefs during those three years. Had there been an election in 1933 we would have had to elect eight, but the chief inspector from the Indian commission office in Regina happened to come along and asked what they were doing and the Indian agent said: "Well, we are getting the lists ready for this next election". This Indian official, this inspector said "Oh, leave them out as they are"; and that is how our troubles from then to now more or less became apparent.

We had a plebiscite three weeks ago during the Easter recess where I voted alongside my other people on this plebiscite, and 360 some odd Indians sent a petition in to have the two-year system adopted. When it came to voting time only 298 voted. Now, what became of the others between 298 and 360, whether they were intimidated, I don't know. The election was done in the proper way, but whatever intimidation was done was done outside before the election. But I feel, what about the 500 or so Indians who did not vote? Some of them had come to me and I did not go particularly to find out. They came to me and they told me: "We had to be neutral because we could

not side up with either side while this quarrelling was going on." So these 500 people who did not vote, we don't know what their ideas are. Actually, if they all voted we don't know how it would have ended. I think if the elective system that was inaugurated in 1930 were restored, but was taken away in 1933, we would never have had this trouble we have on our reserve today.

Mr. SMALL: Was not part of the difficulty, following up this question of hereditary chiefs particularly on the Six Nations reserves, the difference between the pagans and the christians. There were the Tuscaroras, of whom I would say a large section were pagans and followed up the pagan rites. Then there were the older tribes, the Mohawks, and the Senecas which adhered to the christian type of faith. I think that was at the base of the difference there. Was not that part of the trouble there?

Mr. ACLAND: Sir, I have only been with the department fourteen years. I think this predates my arrival but I, of course, have been involved with the history of this thing.

Mr. SMALL: But that is some of the basis, isn't it, the difference between the pagans and the Christians?

Mr. ACLAND: I think the government of that day perhaps made a mistake and in defence of the government of that day I would point out that I have personally gone over. I suppose, twenty voluminous files largely full of petitions to the government of that day, which covered some years, made by progressive Indians in that reserve, and very able Indians, who wanted to see the elective system introduced. Finally, the government gave way to their pleadings and instituted the elective procedure without carrying out a plebiscite. They just assumed, after due investigation under a commissioner that this was the case.

Now, for reasons I have stated earlier this morning this trend grew up, the nativistic trend. These people are very proud people, proud of their traditions and background, and rightly so; and this includes the Christians as well as members of the long house. They are all proud of their background—even those who know, of course, that the elective system is the only system for that community, and even those who feel that these attitudes and this criticism of their ancient institutions as represented by the so called hereditary chiefs should not be frowned upon. But they are in a very difficult position and I can see both points of view.

Mr. SMALL: That is correct; it ties in with what happened. But at the time the episode took place there was quite an issue about the treaty that they had, the treaty with George the Third, that gave them the rights of a nation. That carries on to this day. They consider themselves a nation apart from Canada, and that they have the right to carry on their own laws and should have ambassadors to the court, etcetera. There is an element of that remaining from the evidence that came out lately.

Mr. ACLAND: Some do engage in these delightful historical exercises but not the majority.

Mr. WRATTEN: What I had in mind, Mr. Chairman, was if this committee could bring any solution to getting these two factions together down there it certainly would go a long way towards doing a good job, because while you have these two factions pulling apart down there you are not going to get a unified reserve. You are not going to get them to progress. I wondered if we had one of the hereditary chiefs to act like, shall I say, a lieutenant governor or something like that, as a leading man when somebody visited the reserve, and gave them some recognition would it not be better. Make them feel that they are wanted and recognized. If that could be done I think this committee would certainly be doing a wonderful job toward pulling the two factions together.

Mr. SMALL: That is where nativism comes in again—the same thing, a modern Hiawatha.

Mr. WRATTEN: Something has to be tried. It is no joking matter. I live right next to the reserve, in Mr. Charlton's riding. I know what the story is there, and if anything could be done to bring these two factions together, so they can live and work together more harmoniously, it would be to everybody's advantage on the Six Nations reserve.

The JOINT CHAIRMAN (*Mr. Grenier*): Any more questions on this matter of band councils and elections?

The next matter is on band council bylaws.

Mr. STEFANSON: These bylaws would be passed amongst the more progressive bands, would they?

Mr. ACLAND: On bylaws?

Mr. STEFANSON: Yes; it would be the more progressive bands that would be adopting and passing bylaws, would it not?

Mr. ACLAND: I suppose I could say yes, that is so; but there is occasionally, you know, the odd band where the council, having achieved new found authority starts on a bylaw passing spree. However, I think in the main it could be said to be the more progressive ones.

Mr. SMALL: Is there any pattern emerging from those who are adopting the bylaw system? Is it the ones who are in the southern part of Canada as compared to the north? Are there quite a few of them in the northern part adopting them too?

Mr. ACLAND: In the main I would say it would be the central and south.

Mr. SMALL: Then it will start to syphon backwards gradually?

Mr. ACLAND: I think so, yes.

Mr. FANE: Mr. Chairman, somewhere in here is a remark about the court case on the Saddle Lake reserve. Oh, it is farther on?

Mr. ACLAND: Yes.

Mr. FANE: I suppose we will get to that later?

Mr. ACLAND: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject is liquor. Any questions on that?

Mr. SMALL: How do the statistics work out on that, as compared with the non-Indians? I refer to the Indians getting arrested on the reserves for being intoxicated or apprehended for violations or infractions of the liquor laws. They probably allow for a percentage because here is an Indian and he is given more attention than if he had been a non-Indian?

Mr. ACLAND: I cannot answer that, sir, statistically,—I think for fairly obvious reasons. We would be able to provide statistics on Indian arrests,—or rather the R.C.M.P. would be able to. Maybe I could perhaps answer it generally by stating my personal views in regard to it.

As you know, this question of liquor and Indians is an historical one. It started after 1760 when the governor realized that, with the influx of fur traders and merchants from the American colonies, the abuse of rum must be stopped in fur trading. As a result military posts were put on all the trade routes. Traders were stopped and their canoes searched for rum. Notwithstanding this, rum got through. However, there was a good effort on their part to try and stop it.

Ever since then, as the years have gone by, this problem has been created in the minds of the non-Indians. The use of the term "firewater", and all this sort of thing, has carried this on. So far as I have been able to ascertain

from medical people, there is absolutely no pathological evidence that the Indian is more subject than is the white man to the evil effects of liquor.

A great deal of time has gone by since 1760. I think that in the fourteen years I have been with the department there has been a gradual change away from this thinking both on the part of the Indian and on the part of the non-Indian. There are still some very well intentioned people who think the Indian should come under a special law in respect to the possession and drinking of liquor.

It is my personal opinion that that is based on a completely wrong premise. There are two premises; one is that the abuse of alcohol is an evil thing. I think that goes without saying. The second one is the false premise that is that, by law, you can stop a man from drinking. I think if this is to be effective you would need three policemen on an eight-hour shift for every individual.

It is also based on the premise that the present restrictions stop the Indian from drinking. This, I believe, is not the case. He drinks liquor, very often bad liquor which he gets from a bootlegger. He drinks lemon extract, even drinks harness dressing. I fully believe that the only people who have really a practical, concrete interest in seeing that present liquor restrictions are maintained are the bootlegger and the people who manufacture lemon extract and harness dressing, because we are not stopping the abuse of it. I think most of us lived in the time when prohibition was attempted with white people, and we all know the result of that.

Mr. SMALL: That is the reason I asked that, because we have had the experience in the last war where they tried to restrict it, and they found out that more drinking took place. The outstanding example of that was in Manitoba when they enacted the restrictions in, I think, 1945 until 1948 on the beer outlets. Immediately they did that they said the sales went down. But the fact is the Indian is no better than the white man. They are determined they are going to get it, and then you have the problem of their getting liquor which is bad, and making everything worse. I do not think the Indian causes any more trouble than anyone else. He can police himself the same as anyone else.

I know Brigadier Martin, who is a magistrate, was of the same opinion, that the Indians should just be incorporated in the general law and that they would behave themselves.

Mr. HENDERSON: I get the papers from the country I come from. I read those papers and see that the liquor infractions are mostly Indians. Whether the papers just publish the Indians' names, I do not know. I have looked at them for some years and this also applies to the west. I was born and reared in western Canada. I have seen the Indians and know them. I do not know what the answer is. I am against liquor, to tell you the truth. A lot of white people should not have it—most white people should not have it. They cannot handle it.

Mr. SMALL: Well, the Indian is no different to the white man.

Mr. HENDERSON: As an illustration, you go along the Alaska highway and you will come to Fort McLeod. If you go in there at a time when they have sold their furs and have some money, what do you find?—The people all dancing, the squaws and bucks drinking. They have no bootleggers; they have a licence to sell it. I do not know what the answer is. Perhaps you have just got to let them drink themselves out—I do not know.

Mr. SMALL: Is it any different to the lumbermen who come in who are not Indians? Do they not do the same thing?

Mr. HENDERSON: Yes. That is what I say—a lot of white people should not have liquor.

Mr. ACLAND: The hon. member made an interesting comment there, when he referred to the setting apart in the press of Indians as a peculiar type of citizen. When an Indian is charged under the Indian Act he is accompanied by a colorful mounted policeman who lays the charge. The Indian's name appears in the press as an Indian charged under the Indian Act. If the press were consistent about this, whenever a non-Indian was charged with a liquor offence in court, and if it were reported in the press, they would say it was a white man who was charged and convicted. This is the sort of thing which is not good, at all.

Mr. SMALL: You emphasize that more by the fact that, in the old days, it was the woman of the family who complained about a man drinking to excess, not controlling himself and jeopardizing the family. She would apply to have him prohibited. They would put him on the Indian list—as if that was a sign that the Indian was worse than the white man. Perhaps the Indian would go and get drunk, and get over it, whereas the white man would continue on a binge for probably three or four months.

Mr. FANE: The thing to do is to take the provincial profits out of liquor and open up the bars again. I never had a drink of liquor in my life.

Mr. SMALL: It seems they are making it tougher for the Indian to get a drink. If you would let him get a drink the same as the rest, he would just act the same as the rest.

Mr. ACLAND: I would point out to members of the committee, however, that the present act does provide for just that. It is at the request of the province, and I think rightly so, because the province has to be both *de facto* and *de jure* in a position to accept this responsibility of giving liquor rights to Indians. In some cases provincial legislation has to be amended before this can be done. I think this was the case in Manitoba. So it is quite proper that it be initiated by the provinces. The present act provides for that. However, it is a long procedure.

Mr. SMALL: When you put a man on the Indian list it means that he is prohibited from having liquor; but when the thing was worked out that he was placed on the Indian list he would still turn up drunk. He was allowed one outlet where he could purchase liquor, and that was usually the nearest place to where he lived because they knew he had to have it and had to get over it, and they let him have that outlet. That was never in the act; but that is the way it worked.

Mr. FANE: It sure never "took" very well—I mean prohibition.

The JOINT CHAIRMAN (*Senator Gladstone*): I visited one reserve in 1958 where they were asking me question and this matter of liquor came up as to what the treaty said about it. No one seemed to know. I went and sat alongside an old Indian. He could speak a little English, and I asked him how old he was when the treaty of 1876 was signed, and he said he was about eight years old. I said: "well, what do you know about restrictions on liquor, in your treaty to the Indians?" he said: "well, I was old enough to hear the interpreters; for several years the Indians were talking about it." The Queen said: 'we are not going to allow you to drink liquor until you quit killing one another'. "Now" he said: "we have quit killing one another for a long time. I am 95 years old and I am still waiting for the Queen to give me permission to drink".

Mr. SMALL: I guess she forgot to take the question up.

The JOINT CHAIRMAN (*Mr. Grenier*): Well, I think we will adjourn now until 2.30 this afternoon in the same room.

AFTERNOON SESSION

THURSDAY, MAY 4, 1961.

The CHAIRMAN: Ladies and gentlemen, we have a quorum.

This afternoon we will carry on with the questioning of Mr. Acland.

Mr. ACLAND: Mr. Chairman, I wonder if I might crave the indulgence of the committee. In answer to Mr. Small's question this morning, it has been suggested I may not have been quite explicit in regard to my reply.

Might I add further to that?

The JOINT CHAIRMAN (Mr. Grenier): Yes.

Mr. ACLAND: As I recall it, Mr. Small asked if we had statistics which would show the relationship in respect of liquor infractions as between non-Indians and Indians. Unfortunately, we have not such statistics. I was carried away with my subject, and I believe I did not say that. Even if we had, it would not mean a great deal because, for an Indian to have in his possession, in many provinces, a bottle of beer is an infraction, whereas the same thing would not apply to a non-Indian.

Further, in attempting to provide useful information in reply to that question, perhaps I should have added that there is a good example in the province of Ontario. I mention Ontario because Ontario has given whole liquor rights to Indians, subject to local option, on reserves. That has been in effect for two and one-half years. Therefore, we are able to measure, to some degree, the result of it, and with one or two exceptions in problem areas in the north, I think I can say without fear of contradiction that the Indian citizen in Ontario has risen to his responsibility, and has shown himself to be just as capable of handling this problem as anybody else.

Again, a personal comment: I think that we are approaching the stage—indeed, sir, if we have not already arrived at it—when we must start considering whether it is desirable to have any liquor legislation in respect of Indian citizens at a federal level.

Thank you, Mr. Chairman.

The JOINT CHAIRMAN (Mr. Grenier): Are there any further questions on the liquor questions? If not, we will proceed to page four—law enforcement on Indian reserves.

Mr. WRATTEN: I have a question on this, Mr. Chairman.

Does your department negotiate the agreement between the R.C.M.P. and the provincial police for law enforcement on the Six Nations reserve?

Mr. ACLAND: Mr. Wratten, perhaps I could best answer that for the benefit of other members of the committee by drawing attention to the fact, or reiterating what I mentioned this morning about law enforcement. It becomes a little confusing in those provinces where the Royal Canadian Mounted Police are under contract to the province for law enforcement, and are acting in the place of provincial policeman. Indeed, in these provinces they are very often acting in the place of town constable, because they are under contract to the town. However, the situation is a little clearer in your province.

In Ontario, we have a provincial police force, which is the enforcement arm of the attorney-general. They are responsible for enforcing laws of general application, including the Criminal Code on Indian reserves, not the R.C.M.P. The responsibilities of the R.C.M.P. on an Indian reserve in Ontario, from a constitutional point of view, is confined to enforcement of federal statutes, such as the Indian Act.

Here, let me add, sir, that in Ontario, as I have mentioned, a little more than two years ago a number of Indian communities came under the provincial

liquor laws and, naturally, the policing on these reserves involved the provincial police even more than previously. I think that I should go on record to say that the Commissioner of the Ontario provincial police, and all ranks of the provincial police, have achieved the co-operation of the Indian people, and they welcome them.

In regard to the policing of the Six Nations reserve, as you are well aware, there is an R.C.M.P. detachment there. I understand the provincial police detachment is some miles away, and—this is not unusual—in order to facilitate police work the two police forces, I am told, came to an agreement in respect to the division of duties so that you would not have an R.C.M.P. N/C.O. and constables on the reserve at Brantford entirely confined to looking after the Indian Act; they also would take on other duties involving the Criminal Code. If a minor motor car accident happened, or if a small boy had his bicycle stolen, and so on, they would not call on the Ontario provincial police detachment some miles away, but would handle the case themselves. If, however, a serious crime, such as murder or rape, took place, they would call in the provincial police. This is purely a local arrangement, as I understand it, to meet the police convenience.

MR. WRATTEN: That is not the way they operate, from what I hear down there. I am informed that they are called out there if somebody gets drunk at a dance. They get called from 14 miles away in connection with this and other petty crimes.

In my opinion, this is just a duplication of services. You might as well have one or the other to look after the services there. It seems stupid, to me, to have a detachment on a reserve, and then call the provincial police 14 miles away to look after these petty crimes. If we have men whom we do not know what to do with, and we are going to leave them down there for that kind of business, I think something should be done about it. As I say, I think it is a duplication of services.

MR. ACLAND: I have discussed this and other matters with the commissioner of the Ontario provincial police and with the officer commanding "O" division of the R.C.M.P. What I have stated is the impression I got. This is purely a matter which has to be resolved between the two forces.

MISS LAMARSH: May I inquire, Mr. Chairman, why the department provides defence counsel for murder, or alleged murder, as set out at the top of page five?

MR. ACLAND: I think we dealt with that this morning, madam.

MISS LAMARSH: I apologize for not being here.

THE JOINT CHAIRMAN (*Mr. Grenier*): There were no questions asked on this this morning.

MR. SMALL: It is at the top of page five.

THE JOINT CHAIRMAN (*Mr. Grenier*): It was read, but I do not think there were any questions on it.

MR. ACLAND: You ask why we provide it?

MISS LAMARSH: Yes.

MR. ACLAND: This is lost in history, I am afraid to say. This has been performed as an act of grace. I do not think there is any constitutional requirement. I do not think there is any reason in law for it.

MISS LAMARSH: I just wondered why.

MR. ACLAND: It has been done over the centuries, and it continues to be done. Beyond that I cannot say.

MISS LAMARSH: You pay for this?

MR. ACLAND: That is right.

Miss LAMARSH: Is it the practice in the department that, because you have always done something, you will continue to do so, even though there is no statutory authority for it?

Mr. ACLAND: Is it practical?

Miss LAMARSH: I shall repeat my question. Is it the practice of the department that, because you have done this for years, you will continue to do it even though there is no statutory authority for it?

Mr. ACLAND: I am not able to answer that question. I have not been long enough with the department.

Miss LAMARSH: I know what the position is in Ontario, that whenever an Indian commits a capital offence the Bar provides not only one, but two, defence counsel for someone charged with murder. This is done completely free as a service to the public, and I wonder why the department continues to pay for a counsel?

Mr. ACLAND: You are not asking me is this a good thing? You are asking me why?

Miss LAMARSH: Yes.

Mr. ACLAND: It is just something that is traditional.

Miss LAMARSH: You have asked me to ask you do you think it is a good thing?

Mr. ACLAND: No, I do not think it is a good thing. This is my personal opinion, that where services are provided free for a citizen of one racial origin, as against a citizen of another racial origin, it is basically not a good thing. I think that the committee might well have a look at this traditional service and see whether or not it continues to be necessary for the federal government to do this. We do not, of course provide defence counsel for other crimes.

Miss LAMARSH: It seems peculiar that where you are charged with an offence against the state, the state will provide you with a defence counsel.

The JOINT CHAIRMAN (*Mr. Grenier*): I think it is done by different provincial authorities. In the cities the Bar provides defence counsel in a case of murder.

Miss LAMARSH: In the province of Quebec, maybe.

The JOINT CHAIRMAN (*Mr. Grenier*): I know this is the case in large cities, but in rural districts they do not provide this service.

Miss LAMARSH: Has the Bar ever been invited to provide free counsel?

Mr. ACLAND: It varies from province to province, to the best of my knowledge.

Miss LAMARSH: Do you know, has the department ever invited counsel to do it for nothing?

Mr. ACLAND: No, I think that prerogative rests with the attorneys general of the provinces, or with the courts.

Miss LAMARSH: With the greatest respect to the department, if you wish to be released of it, surely it might be a good thing if the department were to circulate a letter amongst the provincial Bars and ask them to provide a panel of counsel?

Mr. ACLAND: Madam, at the present time it is the policy, and has been so since confederation, for the federal government to defend Indians charged with murder. Whether it would devolve on the attorneys general or whether it would be resolved in the courts or the bar associations, I am not in a position to say, but it varies from place to place.

Miss LAMARSH: Can you suggest whether the incidence of charges involving capital offences amongst reserve Indians is on the rise or is decreasing? I suppose such statistics do not have very much value.

Mr. ACLAND: I can give you some figures on this. Happily I can report that there has been no Indian hanged since I have been with the department, which is fourteen years. In 1958 there were 13 Indians charged with murder, in 1959 there were eight, and in 1960 there were 17. It is uncontrollable. It varies from year to year, and it is pretty hard to judge.

Miss LAMARSH: How does that average out among the provinces during those three years?

Mr. ACLAND: I have not got a provincial breakdown and therefore I am speaking from memory. My feeling is that there were very few in the province of Quebec, there were very few in the maritimes, and actually I think there have been more recently in British Columbia. This thing varies from year to year, so it is very difficult to be exact.

Miss LAMARSH: In any event, it would not place a great and onerous burden on the Bar of any individual province to provide these defence counsel?

Mr. ACLAND: If it is not too much of a burden on the Bar associations or the courts to provide such service for a non-Indian, I do not see it would be too much a burden to provide it for Indians.

Mr. CHARLTON: Mr. Grenier has pointed out what happens in the province of Quebec where counsel are provided in the cities. Did I understand you correctly?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. CHARLTON: Then is there not justification for the department continuing to provide this service until all the provinces fall in line, instead of having one thing for one province and another thing for another?

Mr. ACLAND: That is what all the citizens in this fair country are subject to.

Miss LAMARSH: Inasmuch as this service is provided in Quebec, do you think the other provincial bar counsels would be prepared to offer their services?

Mr. CHARLTON: Is this service provided in the other provinces?

The JOINT CHAIRMAN (*Mr. Grenier*): I do not know about the other provinces.

Mr. ACLAND: I do not think it is possible for an Indian person to be arraigned on a capital offence in Canada without being defended in any province.

Mr. WRATTEN: How would you get the best possible defence counsel, a competent lawyer,—through the department or through a Bar association?

Miss LAMARSH: Be careful how you answer that.

Mr. WRATTEN: I think we all know that when a poor Indian is charged with a minor offence, if it is left to the bar association some young chap who has not had much experience is assigned to the case whereas, if the department got a lawyer, he would have to be a competent lawyer.

Miss LAMARSH: Not necessarily.

Mr. ACLAND: The department does not appoint counsel. It is the Department of Justice which appoints counsel, and therefore I am not in a position to answer your question.

Mr. SMALL: In the province of Ontario has it just been in recent years that counsel have been supplied both to Indians and non-Indians?

Miss LAMARSH: About eight years.

Mr. SMALL: Then it has only been a recent thing. If we look at the other side of the picture, we must remember that if anything goes wrong the Indian looks to the federal government because he has always held himself to come under the jurisdiction of the federal government. In so far as the provinces are concerned, is there any possibility of trying to coordinate their work with the federal government?

Mr. ACLAND: My answer to that is, sir, that it is not the Indian who is looking to the federal government but the members of the Bar who would like to defend the gentlemen who look to the federal government.

Mr. SMALL: We had an example, two weeks ago, when an Indian from a reserve came here and he got very vociferous and very sarcastic on the subject. He said it was the duty of the government to pay the fees of a solicitor to handle the case. He insisted it was the right of the dominion government to supply legal counsel and pay him. You remember that case.

Mr. BADANAI: Were these murders you enumerated committed on reserves by Indians?

Mr. ACLAND: I do not have a breakdown in regard to that. All these cases were committed by Indians but not necessarily on reserves.

Miss LAMARSH: Were they convicted?

Mr. ACLAND: I could not give you a breakdown.

Miss LAMARSH: You said they were all committed—you mean allegedly committed?

Mr. ACLAND: Some of the charges were reduced to manslaughter.

Mr. BADANAI: But none were hanged?

Miss LAMARSH: There is no murder when there is a conviction.

Mr. ACLAND: We become involved when a man is arrested and charged with murder.

Miss LAMARSH: Your opinion then is that the Indian citizen is on exactly the same footing as all of the Canadian citizens, and that they should keep to the indigent provisions of various provinces either by legal aid for appointment of court.

Mr. ACLAND: That is my opinion. I think that any deviation from such a practice for such a general principle in the long run mitigates against integration. They then become a special type of citizen.

Mr. SMALL: Getting back to the subject we discussed previously, what would be the relationship of those who are apprehended on murder in regard to liquor? Would liquor be involved in the murder cases and what would be the percentage on that?

Mr. ACLAND: I am fearful of giving an answer to that, Mr. Small, because it might be misleading. I can say that in many cases of this sort liquor is involved. I am also fully aware that liquor is also involved in many non-Indian murders. I would prefer not to give a percentage.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on this matter? The next one is remission of sentence on page 5.

Miss LAMARSH: Is the practice now generally under the new national parole service that all applications for parole are initiated by the person incarcerated?

Mr. ACLAND: That existed before, I believe.

Miss LAMARSH: There has been a change in the last few years, there is an automatic review system in any event, so that no one should be left in the cell.

Mr. ACLAND: The prisoner and his relatives try to jump the gun on this.

Miss LAMARSH: Are you satisfied that the present situation with respect to Indians who are incarcerated is identical with that of other Canadian citizens?

Mr. ACLAND: It is as good as that available to other Canadians.

Miss LAMARSH: Do you agree this is a good thing?

Mr. ACLAND: I am not a criminologist and I think that the Indian prisoner, at least to some extent, has an advantage from what I have seen myself, although I do not know what happens to non-Indians. I notice, however, that the parole service or remission service write to us as an act of courtesy, I suppose. They write to other people and say: what do you think about this case? We can then go to the Indian superintendent, and the Indian superintendent is familiar with the community, he knows the man is related to, where he can be housed if he is released, what the attitude of his relatives are, what the attitude of the missionary is towards him, and so on. My feeling is that the Indian superintendent takes a really humanitarian interest in this. In some cases, the feeling on the reserve is so strong that they do not think that the man should be released after he has been convicted of a heinous crime, but in those cases there was somebody to go to in the community who gets all these aspects working. I do not know whether that could happen in a non-Indian community or not, but I rather suspect it would not.

Miss LAMARSH: May I enquire—I have not checked the code or the Indian Act about this—but does an Indian who is convicted of heinous crime lose any civil rights as a result of it aside from actual incarceration? When he is released, is that stated in so far as their reserve rights are concerned?

Mr. ACLAND: It makes no difference whatever to his special rights that arise out of his Indian status.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions? If not, the next item is public relations.

Mr. BADANAI: In this film "No Longer Vanishing", on Indian reservations, available to anyone asking for it for the showing, at no cost?

Mr. ACLAND: Oh yes, sir.

Mr. BADANAI: Are these books that you mention here, "The Canadian Indian", and so on,— are they all distributed?

Mr. ACLAND: Yes, they are widely distributed first of all through the department, they are handed out to people who write in and ask for information on Indians. Then, beyond that they are distributed through the normal channels, through organizations.

Mr. BADANAI: Through public libraries?

Mr. ACLAND: Yes, public libraries.

Mr. BADANAI: And also to high schools?

Mr. ACLAND: Not to all high schools in the country, but to any high school that writes in. They go not only to high schools, but to public schools also.

In my brief this morning I mentioned a number of booklets but I did not refer to the latest one because at the time this brief was prepared it was not off the press. But it is now off the press and it is called "An Indian in Transition". It is comprised of two articles "The Meeting of the West" and "Learning for Earning". "The Meeting of the West" is by Dr. Douglas Leachman and "Learning for Earning" is by Mr. Leslie Smith. Both of these articles appeared in the *Beaver*, the house organ of the Hudson's Bay Company, and they appealed to us so much that we go permission to reprint them. This is proving very, very popular, and provides a useful amount of information.

Mr. BADANAI: Has any effort been made to give lectures or talks to assemblies of high school students, for instance, in various parts of the country, with regard

to the Indian population? It would be very helpful if they were to be carried on as a program of public relations in every center in Canada, especially near where Indian reserves are located.

Mr. ACLAND: As you probably realize, this breaks down to local public interest in the first place. People living in the west are interested in the Indians who live in the reserves nearby, and so on. Our field officers at all levels—both regional supervisors and superintendents—are encouraged whenever given the opportunity to go out and talk to local groups, be it schools or home and school associations or rotary clubs, etcetera. Obviously the success of this varies with the peculiar ability of the individual field officer. However, a great deal is done, subject to the limitations on their time. As Mr. D'Astous explained yesterday, these are very busy men. This work is carried on, but we have no permanent lecturer who travels from one end of the country to the other.

Mr. BADANAI: To my knowledge it has never been done at the Lakehead, at least—as none of the agents in the area have ever asked for the facilities. I think they could get facilities of any kind at any of our secondary schools, for instance. It is very important to organize public meetings. This should be done directly from the department through these agents. They should get out and organize these meetings once a month, or a few times in the year, or at least once during the year. Most of our trouble stems from the fact that a large section of the people do not know the Indian people as they should. For that reason there must be a degree of prejudice against them.

Mr. ACLAND: I must say, sir, that there is much in what you say, but I would point out this—and I am speaking now from having been in the department during the past 14 years. During that time it has always been my job to be in charge of the unit that answers inquiries from the public. When I first went into the department there were very few, if any, general inquiries from the public. Now we have inquiries daily from school children to organizations, and the interest which has been aroused in citizens of non-Indian status, particularly in the past five years, has been phenomenal.

Mr. BADANAI: My point, sir, is that they should not wait to be asked. They should not wait to be asked by citizens or by schools for these meetings to take place. There should be initiative by the agent, or whoever the representative may be, to organize and to suggest these meetings. That is the point.

Mr. SMALL: This question has cropped up ever since we started this committee and the same thread seems to be going right through all the questioning. It has come out that the Indians have a rich cultural life, that has not been preserved, except that it was handed down from mouth to mouth verbally. That was not like European cultures—the French, Hungarian or British—which had the benefit of years and years of written records which preserved the culture. One of the outstanding needs was that the Indian culture should be put down in words and preserved. A certain amount of research work was necessary along that line to establish it. There may not have been sufficient money in the appropriations to take care of that over the years and something should be done to start that. In regard to what Mr. Badanai has said, I might add that it is not only a question of being lacking in the knowledge of Indian culture, we are also lacking in our own history. Not enough of it is taught in the schools, to portray our outstanding men. However, this committee is connected only with the Indians.

The cultural aspect of the Indian has been lost sight of. They have had to guard it for themselves and hand it down from generation to generation. The schools can take up research work on the Indians. There is some literature on this in our own library, but there has not been any centre to preserve Indian culture, which is very rich in the country. I would like to say more on it but I can say that this is a start on the road with these books.

Mr. ACLAND: As an author of historical novels I quite agree in regard to the remarks made about the non-Indians. In regard to Indians, we have recognized that there is a lack in respect to this. While my division is not by any manner of means geared to this type of work, we have undertaken to make a beginning. We have produced two historical summaries: one on the Indians of British Columbia, and one on the Indians of the prairie provinces, which is now available. The one on Ontario is now in the process of completion, and we expect before the end of the year to have one on the maritimes and Quebec. This problem goes a little deeper than that, from the government point of view, that is, that we are administrators of the Indian Act, the objective of which, I presume, is to protect the rights of the Indians and lead towards integration.

Miss LAMARSH: Can we have copies of those books?

Mr. ACLAND: We can send them to you.

I think the director will agree that there is plenty to do with regard to our bounden duty with respect to protection and integration.

With respect to history, the national museum and other museums have trained staffs of anthropologists who are experts on this whole subject, and they produce pamphlets galore, and very good pamphlets which are available to the public. In actual fact they are the qualified people to handle this sort of thing and that has always been the opinion of the department, and rightly so. However, we have realized the history that the average Canadian—and particularly the average Canadian school child—wants to have available is not the type of history which is produced by the anthropologists. It is, in that sense of the word, modern history. In order to fill that gap, we probably have stepped in where we had no business to step in, in a sense, and we are producing these books.

Miss LAMARSH: The last paragraph of that section indicates that the department intends to hire another P.R.O. man. Is this like those hired by other departments to publicize the department, to publicize what is happening in the department or, is it in fact, to publicize the Indian people for Canadians?

Mr. ACLAND: I am sorry, I missed the first part of that question.

Miss LAMARSH: In this brief there is reference to the hiring of a technical officer for public relations—I suppose another super salesman—is he supposed to sell the department or the Indians?

Mr. ACLAND: I was not aware the department had to be sold.

Miss LAMARSH: I am wondering why you are hiring him.

Mr. ACLAND: No. I think what I have just said has answered your question. We feel very keenly that we have the responsibility to put before the public of this country the position of these fellow citizens of the Indian race.

Miss LAMARSH: May I get this straight. You said a few moments ago that at the museums there are those who are putting out more or less technical papers, and that you have been in the process of producing other brochures, and you itemized some of these. You felt that the more technical or historical papers were the responsibility of some other group. Then you say you are hiring a public relations man—at least I assume that is what it is. This is headed public relations.

Mr. ACLAND: Yes, it is public relations in its broadest sense. I think you will agree with me that the non-Indian population of Canada, thanks to the movies, thanks to T.V., thanks to such expressions as "firewater", and so on, is not creating a very accurate picture in his or her mind of what a Canadian citizen of Indian status today really is. It is this sort of thing we are trying to disseminate. This was not produced by the department. It was produced by *Beaver* magazine, by two independent writers.

As far as we are concerned, it hits the nail right on the head. We do not think we should have to rely on some private publication to produce what we think should be produced. We think somebody who is fully au fait with the hopes—not only with the history but the hopes for the future of Canadian citizens of Indian status, should be able to tell the public what they are.

Miss LAMARSH: How recently has your department come to accept this policy?

Mr. ACLAND: Ever since I have been there, and I presume before that. This need has been felt, and the need has become increased as integration has progressed.

Miss LAMARSH: When was the decision taken to employ a public relations officer?

Mr. ACLAND: Let me say this: that the department has an informational division which produces the normal material, indeed all the material of the department to keep the public informed as to the work of the department. This sort of thing, and particularly these histories, to my way of thinking, require a person who is perhaps a little different in background and types of interest from the individual who is doing other types of public relations work.

Miss LAMARSH: But when was the decision taken?

Mr. ACLAND: I could not tell you offhand.

Mr. ORMISTON: I would like to say, first of all, from the experience I have had in my own area, that some of the officials of your department are most aware of the need of good public relations to the extent that some of them have taken the Dale Carnegie courses and passed very highly, in order to be able to talk to the public about the Indian problem as it affects the individual. Not only that, sir, but I think personally that not only we here, as a committee, but we, as Canadians, should try to impress upon our Indian population the great heritage which is theirs.

It is a fact that the Incas and the Mayas had a very high form of civilization here when the rest of us were swinging from the lower branches. That is something that the average Indian does not discuss in ordinary conversation. But the Indians have a wonderful heritage. They were probably employed in agriculture before anyone else, from the fact that they were raising corn in this country in the early days. Those are things which I think should be brought out when we are discussing Indians in relation to non-Indians. It is a good topic to discuss, because there are endless possibilities in it.

Mr. ACLAND: I quite agree.

Mr. SMALL: It came out in a discussion during the last two or three years that this culture or heritage of the Indian should be put into a form to indicate that the Indian would have an advantage over the non-Indian, and that instead of being looked upon as a second-rate person, the Indian would be looked upon as someone who had an advantage over the non-Indian in the fact that he had not only a Canadian culture added to it.

The discussion concerned why something had not been done about it. That is how this matter of public relations came in. So, on the matter of a public relations officer, I do not think you can become very skeptical about it, because not only the department but we, as well, are very conscious of the fact that they should do something about it, with an eye to the public.

It came out in the discussion that it should have been done long ago, and if that had been the case we would not have been in the difficulty we are in now, because the Indians would have been built up to be the equal of other people, whereas the Indian is at the point now where he is dependent on the government, at the point where he is put in a class as a ward, a class where he should not be.

There has been neglect in the department because there was no money provided for it in the past. The question is now as to whether the policy should be made by a branch set up within the Indian affairs in order to get the money for it. If this is done, and if they do a good job, then I feel they are entitled to all the kudos that may come out of it.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on this subject? If not let us go to page six "band council elections". This subject was discussed yesterday, I think.

Mr. SMALL: In the third paragraph we would suggest that in place of the words "staggering of elections", something else be substituted, because the poor Indian might become rather confused about it.

Mr. ACLAND: Only the non-Indians stagger.

Miss LAMARSH: That is about as sweeping a statement as possible. Some of us might resent it. Is not this the sort of thing we had letters of complaint about?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Miss LAMARSH: They said that there would be rebuttals on specific points concerning that question from the department. I take it you are not going to recall any of the bands to come back to rebut the rebuttals?

The JOINT CHAIRMAN (*Mr. Grenier*): We did not call the officials just to make rebuttals, but rather just to make explanations.

Mr. ACLAND: I must apologize if I presented this in a form which would indicate the nature of a rebuttal. It was not intended as such at all. This morning I spoke about the work of my division, and I said it was my idea entirely that it was not intended to be in the nature of a rebuttal, but rather that it should be helpful to the committee, to go through the minutes of the committee and to find out those points which were brought up for discussion. I thought that perhaps the committee might find it of some small value to have our comments on them.

Mr. CHARLTON: I think it is a very commendable effort, and I want to say that I think it would be of great assistance to the committee to have the experience of departmental officials on these various matters.

The JOINT CHAIRMAN (*Mr. Grenier*): I think that none of the briefs have been presented in the form of rebuttals at all.

Mr. SMALL: This brief is one which is most contentious. That is why it is so valuable. It deals with the subject matter in a way that we have been looking for. We thought the man in charge of the division could give it to us as we have never had it before.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on the next item "payment of salaries to band council members"? This was brought up before.

Mr. SMALL: This has been brought up before on various occasions. It was thought that if we started to pay the chiefs to attend meetings, the first thing would be that we would have all chiefs and no braves, in order to draw the salary.

Mr. ACLAND: May I say that my director, in his statement to which I listened with great interest, indicated the possibility in the future for the withdrawal of some of our field staff, and that some of those funds might go towards remunerating band councils and their officials for the work they were doing.

I think that is a progressive move looking into the future; and in reading this, I hope that the context has no conflict. Actually there is no reason for a conflict, because we simply say "at the present time". But whenever it assumes more obligations, then of course, it will be all right.

Mr. CHARLTON: Your last paragraph on that page, I think, sets it out clearly. I am referring to page six, the last paragraph. This is a follow-through of the director's remarks yesterday, is it not? I am referring to the last paragraph on page 6.

Mr. ACLAND: Yes. It just shows that great minds think alike.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions which the members of the committee would like to ask Mr. Acland?

Miss LAMARSH: In connection with your comments to band council bylaws, on page 7, you say:

It will be appreciated that Indian councils require guidance in such matters on the same basis as their non-Indian counterparts.

I wonder if you are labouring under the misapprehension that provincial departments of municipal affairs have anything to do with disallowing municipal bylaws, or give any direction one way or the other?

Mr. ACLAND: I am not familiar with the various provincial and municipal departments.

Miss LAMARSH: Then what does the sentence mean?

Mr. ACLAND: You probably know a great deal more about it than I do.

Miss LAMARSH: What does it mean?

Mr. ACLAND: I can only speak from experience in one province with a municipal council, whereby the form of their bylaws and the content of their bylaws are governed by certain requirements of the provincial act. This is all that this implies.

Miss LAMARSH: You are not stating that any provincial department has a right to disallow municipal bylaws?

Mr. ACLAND: Good heavens, no.

Miss LAMARSH: Because that is not the case, as far as I am aware.

Then, with respect to fees of legal counsel, I note that in the second-last paragraph on that page you mention the approval of band funds for legal costs involved in placing before the courts matters of general concern to Indian committees. Have you any information as to whether the department has approved the expenditure of any monies for the bands in and around Sarnia, with respect to their recent legal difficulties?

Mr. ACLAND: I am not in a position to answer that, because that does not apply to my division.

Miss LAMARSH: Is not your division responsible for the provision of legal counsel, or the approval of the use of band funds, as set out?

Mr. ACLAND: No, we are not responsible for the approval of the use of band funds.

Miss LAMARSH: So the commentary you make here is not from you as a person who is responsible for this kind of thing at all. I note that you comment on the approval for two or three paragraphs.

Mr. ACLAND: In order to complete the picture, I think we had to refer, as an example, to some particular cases, but, in respect to the use of band funds in the Sarnia area, that would not come within my jurisdiction.

Miss LAMARSH: Whose jurisdiction does it come under?

Mr. ACLAND: It would come under reserves and trusts.

Miss LAMARSH: Is someone reporting for them later on?

Mr. JONES: Yes, next week.

Miss LAMARSH: Do you know whether there was counsel provided to the Sarnia people with respect to their dealings with Dimensional Investments?

Mr. JONES: Maybe I can answer that for you. Are you speaking about this recent land deal?

Miss LAMARSH: Yes.

Mr. JONES: In this case, the Sarnia band hired their own counsel, and paid for it out of their own funds.

Miss LAMARSH: Did that payment require the approval of the department?

Mr. JONES: Yes.

Miss LAMARSH: And it was given?

Mr. JONES: Yes.

Mr. CHARLTON: In connection with the top of page 6, that the chief is to be presiding officer at band council meetings, is there a tendency on the part of some Indian superintendents to go probably to the extreme, the other way? In accordance with the previous policy, superintendents, we will say, did not preside, but did take the lead in many band council meetings. Since this new instruction went out, has it been found that some superintendents have gone completely to the other extreme.

Mr. ACLAND: I do not know of any cases, Dr. Charlton, but human nature being human nature, I would say this was probably true. This is one of the difficult fields of native administration; the more efficient a field officer is, the more efficiently he has operated his area, perhaps by imposing his own decisions on people who were not willing to assume that decision, the more difficult it is for him to relinquish that, and it leaves it in an entirely chaotic condition for a time, until it sorts itself out. On the other hand, it is conceivable, as you say, that somebody might follow the letter of the instruction and say: "Well, it is entirely up to you: I am not going to give you any guidance." It is a difficult question to answer. However, I will say this, that one thing I am sure the committee is aware of is that this is a single piece of legislation designed to be all things to all Indians. It is all very well for a department in Ottawa to issue an instruction like this, and although it will be an excellent instruction and should be applied to the majority of the bands, you will have a minority of the bands in the northern areas, more or less nomadic in life and habits, which probably come together only once a year at treaty time and have a band meeting. It is only natural in these circumstances that the superintendent might take over, although he is instructed not to do so.

Mr. CHARLTON: It is a case of leaving the decision up to the superintendent. However, in the case of a newly elected band council, where all the members are new, would there not be a tendency to relax in that particular role and that he would help, without trying to direct?

Mr. ACLAND: I think this is actually what happens in the majority of cases. The role of the superintendent in band council meetings is really similar to a town secretary-treasurer. We all know of towns—and I have lived in them—where you have a good secretary-treasurer, and he practically runs the whole thing. However, he is very careful not to indicate that he is doing so. He has to run the elections; he is the returning officer; he brings matters to the attention of council, and so on. However, the ultimate decision is that made by the chief and councillors.

Mr. CHARLTON: But a councillor to the council.

Miss LAMARSH: Do you still have the international study under your jurisdiction, which is referred to in this review of activities, 1948 to 1958? I note that international studies was a paragraph under the administration section, and it deals particularly with a committee of experts on indigenous labour which met at Geneva under I.L.O.

Mr. ACLAND: Yes.

Miss LAMARSH: Is this still kept up?

Mr. ACLAND: Yes. Actually, the work of the committee of experts ultimately resulted in a two-year conference of I.L.O., which resulted in the drafting of a treaty and a recommendation. I, myself, attended the deliberations as Canadian government advisor.

Miss LAMARSH: Was the treaty signed on behalf of Canada?

Mr. ACLAND: I do not believe it was, no.

Miss LAMARSH: Then, of course, it was never ratified?

Mr. ACLAND: No.

Miss LAMARSH: What was the purpose of the treaty?

Mr. ACLAND: I think Canada found itself pretty much in the same position as the United States, in this regard. These were discussions which led to the production of documents which had to do with the indigenous people of the world, and the idea was to produce ideal conditions for the indigenous people of the world, in which it was hoped that all nations of good heart would put it into effect.

Miss LAMARSH: And Canada did not?

Mr. ACLAND: A few minutes ago I referred to the Indian Act being all things to all Indians. These documents went a little further; they were all things to all indigenous people. The result was that to make it practical, you—and I hate to say this, but I will—had to lower the minimum standards and, therefore, it was redundant, so far as Canada was concerned.

Miss LAMARSH: You had to lower the minimum standards of what?

Mr. ACLAND: Of the indigenous people.

Miss LAMARSH: In so far as Canada was concerned?

Mr. ACLAND: The minimum requirements of these documents were such that if they had been applied to Canada, it would have lowered the standards of the Canadian Indian who is already a Canadian citizen and enjoys all the rights and privileges of Canadian citizenship.

Miss LAMARSH: Are you suggesting that by signing such an international treaty it would not be possible for us to increase the standard over and above the minimum?

Mr. ACLAND: My personal feeling is that it would not increase the standard.

Miss LAMARSH: Are you suggesting it would be impossible for us, through our own legislation, to go further than the minimum standard laid down in the international treaty?

Mr. ACLAND: I think that is the reason for this committee, it is not?

Miss LAMARSH: I am afraid we are a little bit at cross purposes. You have said that in your opinion the reason we did not sign this treaty was that, by so signing, we would reduce the standard for our Indians. I cannot quite comprehend you. I would assume any nation which has got the minimum standards would be at perfect liberty to go beyond those minimum standards. Of course I can see the reverse side of the coin, that we might not be able to sign a treaty because we are not in a position to live up to its requirements.

Mr. ACLAND: What is the question?

Miss LAMARSH: Why did we not sign the treaty?

Mr. ACLAND: That I am not in a position to answer.

Miss LAMARSH: Since the time the treaty was not signed, has someone on behalf of the department been attending the conferences of the committee of experts on indigenous labour?

Mr. ACLAND: So far as I know, there have been no conferences on indigenous people under the auspices of the I.L.O. since then.

Miss LAMARSH: Can you tell me in what year the treaty was signed by some people?

Mr. ACLAND: That I do not know.

JAN 25 1952

Miss LAMARSH: You said you attended in 1956 and 1957?

Mr. ACLAND: Yes, but it might have been any of the years since.

Miss LAMARSH: Has anyone from the department attended at anything since 1958?

Mr. ACLAND: There has been nothing to attend.

Mr. SMALL: Is that the International Labour Organization?

Mr. ACLAND: Yes.

Mr. SMALL: Was not Phelan the man representing the labour section from the Canadian government? He was the principal officer connected with it.

Mr. ACLAND: Yes but he died, unfortunately, prior to this.

Miss LAMARSH: There was a treaty signed by some nations. You do not know when it was, but it was after 1957?

Mr. ACLAND: I assume so.

Miss LAMARSH: You were there in 1957 and it had not been signed up to that?

Mr. ACLAND: Yes, there was no signing then.

Miss LAMARSH: But you know there is in existence a treaty to which there are signatories other than Canada and the United States?

Mr. ACLAND: I believe there is in existence a treaty and a resolution which, I presume, was referred or tabled in the House of Commons by the government of that day. Beyond that, I do not know.

Mr. SMALL: And not ratified?

Mr. ACLAND: Not to my knowledge.

Mr. CHARLTON: The witness made no statement that it had been signed by anyone, by any other country.

Mr. ACLAND: I am not in a position to say.

Miss LAMARSH: Do you know was it signed by any other country?

Mr. ACLAND: I assume it was probably signed by someone, I do not know.

Mr. SMALL: Supposing you did sign it, and there was a low standard, you would be subject to criticism for imposing a low standard for some other country, a low standard which you are not imposing on your own?

Mr. ACLAND: That might happen.

Mr. SMALL: There are two ways of looking at it. You can take it any way you like.

Mr. WRATTEN: Any lawyer can do that.

Miss LAMARSH: Is there no one in the department who knows about this treaty which may have been signed by someone?

Mr. SMALL: What year was it?

Mr. ACLAND: I think it is in the report to which you are referring. That would be in 1957 or 1958.

Miss LAMARSH: This only takes it up to 1957, as far as I am concerned.

Mr. ACLAND: The committee met in 1956-57. It was sometime immediately following that.

The JOINT CHAIRMAN (*Mr. Grenier*): If there are no further questions for Mr. Acland I wish to extend the committee's thanks to him and I am sure he will make himself available if we wish to question him further.

I should also like to announce that immediately after this meeting there will be a meeting of the steering committee. The next full committee meeting will be on Tuesday, May 9, at 9.30 a.m.

Miss LAMARSH: Could you say what we will be dealing with then?

The JOINT CHAIRMAN (*Mr. Grenier*): We shall have witnesses from the welfare division of the department.

Fourth Session—Twenty-fourth Parliament

1960-61

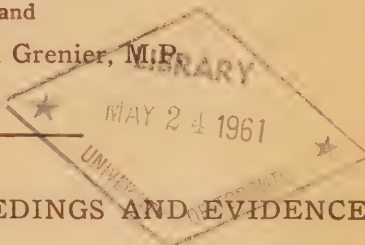


Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and

Mr. Lucien Grenier, M.P.



MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

TUESDAY, MAY 9, 1961
WEDNESDAY, MAY 10, 1961

WITNESSES:

From the Indian Affairs Branch: Mr. J. H. Gordon, Chief, Welfare Division; Mr. R. F. Battle, Chief, Economic Development Division; Mr. H. R. Conn, Supervisor, Fur and Wildlife; Mr. H. M. Jones, Director.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Mr. J. N. Ormiston,
Mr. F. J. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, May 9, 1961.
(17)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (Kamloops)—(14).

The House of Commons: Messrs. Charlton, Fane, Gundlock, Henderson, Howard, Martel, Muir (Cape Breton North and Victoria), Small, Thomas, Wratten.—(10).

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. J. H. Gordon, Chief Welfare Division; Mr. R. D. Ragan, Assistant Chief, Welfare Division; Mr. R. F. Battle, Chief, Economic Development Division; Mr. H. R. Conn, Supervisor, Fur and Wildlife, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairman, Mr. Grenier, was unavoidably absent.

On motion of Mr. Thomas, seconded by Mr. Fane,

Resolved,—That Mr. Gundlock do take the Chair of this Committee as Acting Joint Chairman until Mr. Grenier returns.

Mr. Gundlock took the chair and then called on Mr. Gordon, Chief of the Welfare Division.

Mr. Gordon read a brief dealing with the functions and responsibilities of the Welfare Division.

The Committee considered the above-mentioned brief page by page and Mr. Gordon was questioned thereon, assisted by Mr. Jones.

The questioning of Mr. Gordon being completed, at 11.20 a.m. the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING (18)

The Committee resumed at 3.30 p.m., the Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (Kamloops)—(4).

The House of Commons: Messrs. Badanai, Charlton, Fane, Grenier, Gundlock, Henderson, Howard, Small, Thomas.—(9).

In attendance: Same as at morning sitting with the addition of the Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs, and with the exception of Mr. J. H. Gordon, Chief of Welfare Division.

Mr. Battle was called and he read a comprehensive brief concerning the functions and objectives of the Economic Development Division dealing with, amongst other things, agriculture, wildlife and fisheries, fur rehabilitation, game management and the Indian employment placement program.

The Committee considered the above-mentioned brief page by page and Mr. Battle was questioned thereon, assisted by Mr. Conn.

The questioning of Mr. Battle being continued, the Committee adjourned at 5.30 p.m. until 2.30 p.m. Wednesday, May 10th.

M. Slack,
Clerk of the Committee.

WEDNESDAY, May 10, 1961.
(19)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 2.30 p.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, Smith (*Kamloops*), Stambaugh.—(4).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Charlton, Fane, Grenier, Henderson, Korchinski, Martel, McQuillan, Small, Stefanson.—(11).

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. R. F. Battle, Chief, Economic Development Division, Mr. H. R. Conn, Supervisor, Fur and Wildlife; and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed the consideration of the brief presented by Mr. Battle at yesterday's sitting dealing with the Economic Development Division.

Mr. Battle was further questioned, assisted by Mr. Jones.

The questioning of Mr. Battle being completed, at 4.05 p.m., the Committee adjourned until 9.30 a.m. Thursday, May 11th.

M. Slack,
Clerk of the Committee.

EVIDENCE

TUESDAY, May 9, 1961.

The JOINT CHAIRMAN (*Senator Gladstone*): Gentlemen, we have a quorum. The joint chairman, Mr. Grenier, being unavoidably absent, could we have a motion for an acting joint chairman until the return of Mr. Grenier?

Mr. THOMAS: I would like to move that Mr. Gundlock serve as acting joint chairman.

Mr. FANE: I second that.

Agreed.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): This morning, ladies and gentlemen, we are taking up the welfare division. I would like to call on Mr. J. H. Gordon to read the brief, and after he has read it we will take it page by page.

Mr. J. H. GORDON (*Chief, Welfare Division*): The responsibilities of the welfare division include the provision of public assistance (food, fuel, clothing, household equipment for indigent persons who are unable to provide these and other necessities); protection, custody and preventive services on behalf of Indian children and juveniles; the care of aged and helpless Indians; the promotion of leadership and leadership training in welfare fields, including formal training courses, homemakers' clubs, welfare committees and the like; the rehabilitation of handicapped persons; and programs designed to improve housing standards in Indian communities. In addition to these tasks, the division is actively engaged in negotiations with provincial departments of government and with private welfare agencies in an effort to arrange for an extension of normal services to Indian reserves and communities.

The objectives of the welfare division must be drawn in relation to the Canadian Indian policy as a whole. Within this framework the main purpose is to assist Indians and Indian communities to achieve and to maintain a standard of living at least comparable to that of non-Indians in non-Indian communities in similar socio-economic situations. The attainment of this aim should enable free social and economic intercourse between the Indian and non-Indian community and contribute substantially to removing the remaining barriers which exist between Indians and non-Indians.

Broadly the function of the division is to provide needy Indians with the assistance they require to ensure minimum standards of health and decency; the help to be given in such a way that the recipient's capacity for self-dependence and that of his family is maintained and strengthened or restored.

In her statement to the House of Commons April 8, 1960, the Hon. Ellen Fairclough said:

...the federal government is prepared to negotiate agreements with the governments of the various provinces for the extension of normal provincial welfare services to persons residing on Indian reserves. The purpose is to avoid the development of exclusive welfare services on reserves which would tend to set Indians apart from other Canadians and duplicate provincial programs in adjacent non-Indian communities.

In negotiating these agreements the federal government is prepared to pay a reasonable share of the costs of the benefits, over and above the federal contribution under existing federal-provincial agreements, such

as the Unemployment Assistance Act; and to share with the provinces reasonable costs of additional staff and administration required for the application of such programs. Moreover, my department will be prepared to enter into agreements to enable Indian bands to assume responsibilities for welfare programs normally administered by municipalities under provincial legislation.

This statement is of fundamental importance to the welfare division and I believe the principle enunciated is widely accepted. Indeed three provinces and a number of major organizations have endorsed this point of view and have urged acceleration in briefs already presented to this committee.

In reviewing the progress to date, it is noted that Indians on and off reserves throughout Canada are now eligible for family allowances, old age security, old age assistance, blind persons' allowances and disabled persons' allowances. Mothers' allowances are payable to Indians in Quebec and, in certain categories of cases, in the province of Ontario.

The department has entered into agreements with the province of Ontario and the Yukon territorial government, providing for the extension of Children's Aid Society services for the protection of children in Indian communities. In Nova Scotia the new social allowances act is being applied gradually to Indians. In Ontario the general welfare assistance act has been amended to make possible application on Indian reserves. In Manitoba a completely revised social security program is designed to meet the needs of all residents of the province without distinction. In British Columbia, although no formal agreement has been negotiated, certain services are available to Indians on and off reserves and the extension of services in other provinces is under review.

Generally, the situation today is more favourable than has been the case in the past for progress toward the goal of general application of provincial welfare services on behalf of Indians. Also, under the Unemployment Assistance Act agreements and other cost-sharing measures, the federal government has assumed a considerable proportion of costs in the welfare field, formerly borne by the provincial governments alone. It is possible, therefore, to note a considerable measure of progress and, at the present pace, the prospect is for further gradual extension of services over a period of some years.

Despite this progress, however, there remain broad areas of need on many reserves not covered by services available in non-Indian communities. Regrettably it is also true that Indians who take up residence in non-Indian communities do not always have access to welfare services provided all other citizens as a matter of course. The most serious gap in services is in the field of child welfare since it is difficult to deal with certain urgent cases involving child neglect if provincial legislation cannot be enforced through accredited provincial child welfare agencies. While the objective is to secure all services for the reserves, child protection must be given first priority.

Negotiations with the provinces for extension of services present many problems. Most provincial departments face demands for existing services which limited staffs and budgets are barely able to meet. Important sectors of provincial welfare programs depend upon participation of municipal and private agencies. Because of basic differences in land tenure and land taxation, it is often difficult for reserves to fit into this pattern and, because of the varying degrees of autonomy enjoyed by non-Indian communities, the treatment accorded Indians off the reserve may vary widely, even within the same province. The costs and other implications vary from province to province depending upon a wide variety of factors including general attitudes; the ratio of Indians to the general population; and the number of Indian communities located in areas which would be expensive to service because of remoteness, depressed economic conditions or where little or no provincial administrative

machinery now exists. In addition, there has been a considerable degree of apprehension amongst provincial welfare staffs at the prospect of an addition to present heavy case loads of persons in the unfamiliar settings of reserves.

The consequence has been that despite the important advances of the past twelve years, a good deal of resistance has been encountered.

It is recognized that welfare programs, developed to meet the needs of non-Indians and non-Indian communities, cannot expect to meet the total needs and conditions on all Indian reserves. The effectiveness of these programs applied to reserve conditions will depend largely upon skillful adaption and the availability of supporting programs and services to meet areas of special need. As the gap narrows between conditions in Indian and non-Indian communities, so will the need for supporting services be reduced and the eventual elimination of special federal welfare services for Indians is foreseen. The task and function of the Indian welfare service is considered to be to bridge the existing gap between the needs of Indian communities and the availability of provincial and other welfare resources.

The welfare division's principal functions are, therefore, transitional and the objective is termination as soon as the welfare services and programs provided other Canadians are accessible to Indians. For this reason the department has endeavoured to avoid the build-up of a large specialized welfare staff and organization. Also there is no specific welfare legislation respecting Indians either in the Indian Act or by other federal statute. In consequence the division must rely upon provincial welfare legislation (considered applicable by virtue of Section 87 of the Indian Act) and upon provincially accredited welfare agencies and their qualified staff for enforcement of this legislation.

The major item of expenditure in the budget of the division is to finance the cost of food, fuel, clothing, household equipment, travel and burial costs for indigent persons. Food is the biggest single item and accounts for about 70% of all expenditure, \$6,478,000 of a total of \$9,176,563 (1961-62 estimates). Provision for shelter and services of various kinds are minor items in the public assistance program because of freedom from property taxes and since there is a separate and comprehensive housing program designed to assist indigent and low income Indians to own their own houses.

In April of 1959 the previous method of supplying food to destitute Indians through "rations" was discontinued and payment by cheque and dollar value order introduced across Canada. Details of this program are given in the review and annual Reports.

If I may interject there, the reference to a review is to the Review of the Activities of the Branch, from 1948 to 1958, which I believe has been distributed to members of the committee.

The program, generally, has been very successful. Payment by cheque is being extended rapidly. It is now applied in 40% of the agencies and we expect to see it much more generally used in future.

If I may bring these figures up to date, since this report was written and since increasing returns have come in, this should read 42.5 per cent.

This development may prove of general interest as an illustration of the practical application of policy in a specific case. The new program places much more responsibility upon the individual Indian; changes the task of the Indian superintendent from administrator to educator (nutrition—proper use of the food dollar—wise purchasing, etc.) and brings the standards and procedures into line with practices in non-Indian communities.

The use of cash payments to cover other types of assistance is also being studied with particular reference to certain types of cases such as unemployable Indians who do not qualify for general categorical allowances or who have special needs not yet covered by any general programs. These would include widowed or abandoned Indian mothers and their children; families where the

breadwinner or spouse is disabled; prematurely aged or completely dependent Indians; the families of men engaged in vocational or placement programs designed to improve their earning potential and others.

In the field of public assistance the maintenance of the self-respect of the individual who must seek help and his initiative and will to help himself is the most difficult of all the tasks assigned the Indian affairs branch field officer. This function is particularly difficult where Indians feel there is an inherent right to full support from the Canadian taxpayer under the treaties and where the standard of living which can be achieved through the best efforts of industrious Indians is only slightly above subsistence levels.

There is no easy nor quick solution to this problem. The basic reasons for dependency must be identified and recognized by the individual and the community and joint efforts made to correct them. It is important to avoid lower standards of assistance by comparison with adjacent non-Indian communities but, at the same time, not to set standards higher than the levels employed Indians can achieve through their own efforts. Standards of housing, nutrition, child care, hygiene and living conditions in Indian communities must be raised but the administrator must be careful not to move too quickly nor to superimpose objectives and goals which the Indian does not accept and is not prepared to work for. Conditions vary widely. The program must meet the needs of the temporarily unemployed factory worker and white collar worker from well organized urban reserves and those of the illiterate trapper who depends mainly upon country food and the harvest of natural resources. The administrator must deny assistance when it is in the Indians' best interests to do so and, at the same time, maintain his confidence in order that he can work successfully with him in constructive measures.

Mistakes and errors in judgment are inevitable and must be expected in view of the many factors and considerations which must be weighed in reaching a decision. Complaints from Indians and from their supporters must be carefully investigated. It is particularly important to check the facts meticulously to ensure the full background is properly understood. Well meaning pressure to secure benefits for Indians which they are quite capable of providing for themselves can do a great deal of harm.

In regard to public assistance the committee will be interested to learn that 16 bands, representing 70% of the Indians of southern Ontario, and 10 bands, representing 13 per cent (it is now 13 bands representing 14.7 per cent) of the Indians of Northern Ontario are now administering their own programs, on exactly the same footing as municipalities in the province. This has been possible through an amendment to the Ontario general welfare assistance act and application of section 68 of the Indian Act. All needy persons on these reserves apply to the Indian band welfare administrator, who has the same authority and responsibility as the welfare administrator appointed in municipalities, and all assistance is granted by this official. An 80% provincial subsidy (50% of which represents the federal contribution under the Unemployment Assistance Act) of the cost of the assistance according to the standards and eligibility requirements of provincial legislation is refunded directly to the bands on the basis of claims submitted by the band welfare administrator. Under this program the bands administer their own program, pay the normal municipal share from their own funds and deal directly with the province.

This progressive and forward looking measure is being energetically pushed forward by the province of Ontario in co-operation with the Indian affairs branch. Discussions with additional bands are now underway and it is expected that this program will be further extended in the near future.

While food is the largest single item, the second major item representing almost 14% of the total expenditure covers the costs of care and protection for neglected and abandoned Indian children, helpless adults and juvenile

delinquents. These costs have risen sharply in recent years (up from \$292,000 in 1956-57) reflecting a determined effort to provide a better service for Indian children.

If I may interject again to make this realistic and meaningful, the cost in the budget for 1961-62 for this item is \$1,269,000. The bulk of the increase reflects improved services and coverage rather than an increase in neglect situations.

Reference has already been made in this paper to particular problems encountered in attempting to protect and promote the welfare of children since effective measures require the application and enforcement of provincial legislation and the services of provincially accredited agencies. Particular and prior attention is being given to this matter in an effort to ensure availability of adequate services, through formal agreements with provinces and agencies, similar in form to those in effect in Ontario, rather than on the basis of the less satisfactory informal arrangements presently in effect in other provinces.

In all welfare programs it is recognized that emphasis must be placed upon self-help—greater participation in planning and operation of programs—more responsibility by the Indians in determining objectives and goals *they* recognize as important and are prepared to work for and support.

These principles must underly all programs whatever their purpose may be, but the welfare division and the field social workers have taken an active part in formal leadership training. Such training was begun in 1954 as an Indian affairs program but over the years increasing use has been made of specialized provincial and university resources. At the same time community organizations of various kinds such as homemakers' clubs—Health and Welfare committees—parent-teacher associations and, most important of all, the band councils, have provided greater scope for the exercise and utilization of this training. These activities and the guiding philosophy are essentially those of community development programs designed to assist underprivileged persons throughout the world to improve their own standards of living. Trained Indian leadership, sensitive guidance and the exercise of real authority and responsibility by the Indians themselves, with assistance given in correct proportion to Indian effort are the essential elements for success. The extensive use of resources outside this department has brought to bear specialized agencies and highly qualified individuals. It has also helped to overcome, to some extent at least, the suspicion of some Indian groups that the real motive of the department in insisting upon self-help is to relieve civil servants of tasks they are paid to perform or to conserve government funds.

Housing

The details since fiscal year 1952-53 (the first year in which statistics were maintained of houses built in addition to those financed from welfare appropriation) are shown below.

There has been a very substantial federal investment in slum clearance and house construction on Indian reserves and communities since the war. Broadly speaking, this investment has been matched by the Indians' own contribution. The federal aid has been based upon the urgent need for better housing as an essential part of educational, health and economic development programs designed to close the appalling gap between the standards of living of Indians and those of other Canadians which existed generally at the close of World War II. Illiteracy, endemic diseases, malnutrition and apathy characterized an alarming percentage of Indian reserves at that time. Many millions of dollars have been spent to eradicate these evils.

Fiscal Year	Estimated Total Houses Completed	Welfare Expenditure	All Other Sources— Band Funds, V.L.A. & Personal Contribution	Total Expenditure
1952-53 ..	1,176	880,168	821,478	1,701,646
1953-54 ..	972	859,400	821,248	1,680,648
1954-55 ..	837	850,696	768,284	1,618,980
1955-56 ..	817	846,928	884,570	1,731,498
1956-57 ..	904	1,021,253	986,076	2,007,329
1957-58 ..	880	1,072,587	1,314,042	2,386,629
1958-59 ..	1,344	2,049,073	1,498,677	3,547,750
1959-60 ..	1,465	1,995,897	1,722,987	3,718,884
	8,395	9,576,002	8,817,362	18,393,364
Estimated for 1960-61 ..	1,350	2,185,000	1,700,000	3,885,000
	9,745	11,761,002	10,517,362	22,278,364

It will be of interest to note that in the past eight years alone approximately 8,395 new houses have been built on Indian reserves in Canada, representing a total investment of \$18,393,364, of which only 52 per cent or \$9,576,002 represented the government contribution, the balance being provided by the contribution of individual Indians in labour, cash, materials, from band funds and from V.L.A. grants.

Today much remains to be done but we can see major improvements in the educational level, acceptance of Indians and their employability in an ever-widening range of occupations and circumstances. It is not considered an exaggeration to say that the greater part of these expenditures would have been ineffective if there had not been, at the same time, an aggressive program of help to construct better houses.

We are concerned with the needs of 184,000 people, increasing more rapidly than any other ethnic group in Canada, living in over 600 communities and situated in every economic, climatic and political zone in Canada. The problem is a complex one. There are a number of Indians on reserves who are well-to-do, owing good homes and cars, and who are completely independent. On the other hand there are those who must turn to the department for the greater part of all their needs. Bands and the resources they command vary quite as much—some are rural farming communities, others are located in northern areas dependent on mining, lumbering, fishing or trapping, while others are located in urban areas adjacent to large centres of population. Some Indians have formal treaties with the crown—others do not. Systems of land tenure vary from reserve to reserve. Some bands are progressive and forward looking or have a history of cohesion and organization. Others are loosely knit collections of family groups with little interest in group action.

Notwithstanding the fact that in 1958 the amount of money allocated for housing purposes was doubled, the increasing demand, not only for more houses but for better houses, has meant that only limited sums are available to each reserve. Therefore, our programs increasingly emphasize that each band and each individual must do as much as they possibly can to meet their own requirements, if the gap is to be finally closed and housing on reserves is to reach the standards that we would all like to see.

We are attempting to search out with each Indian band, ways and means whereby the problem of housing in individual communities can be resolved.

The objective is to make it possible for Indians on reserves throughout Canada to make an even greater contribution than in the past toward the cost of building the increased number of better houses which most reserves require. Such participation is also essential if we are to expect the Indians to learn to deal with their housing and other needs on the reserves in the same manner as non-Indians in non-Indian communities. The alternative—paternalism and over-dependency upon government agencies—saps initiative and undercuts self-reliance and pride of achievement.

We consider we are close to the end of the first phase of Indian housing. The survey conducted in 1958 indicated that, at that time, about 29 per cent of Indian families continued to occupy substandard housing and the situation is being reviewed again. The problem, unfortunately, is not a static one. New family formations and the deterioration of homes built early in the program when standards were not as high as they are now, has meant that only a percentage of the effort can be devoted to reducing the backlog because of the new demands which are constantly arising.

We anticipated, however, that within a few years this situation in a majority of Indian communities will not be significantly different than in the rest of Canada and, in the next phase of the program which is now being planned, emphasis will be placed upon various ways and means whereby the program of housing assistance on reserves may be gradually brought into line with the type of assistance which is available to non-Indians in similar income brackets in non-Indian communities.

The revised housing program is designed to meet three broad categories of situations. These three categories are outlined briefly below.

Subsidized Welfare Housing

In the main, this phase of the program will be intended to meet the needs of Indian families with incomes of \$2,000 and less a year. Under ordinary circumstances income at this level is barely sufficient to meet essential requirements and there is no money available for housing purposes. Loan obligations, therefore, could be met only at the expense of other basic family needs which would either mean a reduction in minimum standards of living for the family or equivalent support from relief. For this type of house on behalf of families in this category, the Indian's contribution will, largely, be in labour and locally available materials. Greater uniformity in the application of the program will be possible and appropriate standards and criteria are now in the process of development.

Subsidy and Loans

In the next decade we expect an increasing number of Indian families to occupy an intermediate income position. These are the people who will have reasonably steady employment at a fairly good income. Specifically, we expect a much larger percentage of Indian families than in the past to move into the \$3,000 and over income area (in 1958 only 5 per cent of Indian families on reserves were in this category).

If I may interject again, Mr. Chairman, one survey which is not our most recent, indicates this has now risen to 8 per cent.

Families with this earning power, and some in the \$2,000 to \$3,000 category, depending on circumstances and number of children, and who have reasonably steady earnings will be in a position to assume long-term loan obligations and will be expected to do so.

The majority of these families will, however, continue to require a measure of subsidy. The loan program will enable Indian families in these income groups, who have the interest and energy, to supplement the subsidy through loans related to their present and future earning potential. This will make

possible refinements and higher standards of housing on reserves directly related to individual effort and willingness to work. Through this method it is expected that a much needed incentive will be provided for Indians to improve their housing.

Loans

Finally, we anticipate in future a steadily increasing number of Indian families on reserves earning incomes sufficiently large so that they will be entirely independent of any need for subsidy. In the main these will be families with a yearly income of \$4,000 to \$5,000 and up. The resources of the housing loan program would be available to such Indians for the construction of homes of a suitable standard, to the extent that loans from ordinary lending agencies were not accessible.

It is proposed to distinguish between the three categories of income and family circumstances, outlined above, on the basis of a sliding scale of eligibility for subsidy, rather than through an arbitrary horizontal income level, to ensure that initiative is not discouraged and that positive assistance is available, within reason, to those ready to help themselves, as well as for indigent and dependent persons.

Amendments to the Indian Act are required before the total program envisaged above can be applied. Certain phases, however, are planned for later in fiscal year 1961-62.

Summary

To summarize, I believe the most important lesson to be drawn from our past experience is the necessity of working *with* rather than *for* the Indians with all this implies. The principles of self-help, self-determination; partnership and the acceptance of maximum responsibility by the Indians must receive constant and increasing emphasis. We look forward to an early removal of the remaining barriers separating Indians from the Canadian community. In terms of the welfare service this means, principally, availability of all generally applicable welfare programs and services for Indians on and off the reserves. In addition, it will require the continuing extension and modification of Indian Affairs Branch programs to meet changing conditions and to enable Indians to continue to reduce the gap between housing and living standards in their communities and those in adjacent non-Indian municipalities. Finally, it means increasing stress upon the identification, encouragement and training of Indian leadership in order that Indian individuals and communities may undertake successfully responsibilities and functions required of Canadian citizens and municipalities. The education, economic development, welfare and health programs of the federal agencies; broader and more extensive use and adaptation of the rich resources of provincial and private agencies of all kinds and progressively greater participation of the Indians themselves should offer new hope and opportunity for the Indians to achieve a better way of life in the future.

The ACTING CHAIRMAN (Mr. Gundlock): Thank you, Mr. Gordon. May I take a moment now to remind the committee that the meeting this afternoon will be at 3:30 instead of 2:30. I think this applies particularly to the notices which were sent to the senators, which read 2:30 rather than 3:30. The meeting will be at 3:30 this afternoon, when we may expect to go on to the economic development division, when we finish with the welfare division.

Are there any questions on page one of the brief?

Mr. THOMAS: I have two or three questions noted here. On page one, you say:

In addition to these tasks, the division is actively engaged in negotiations with provincial departments of government and with private welfare agencies in an effort to arrange for an extension of normal services to Indian reserves and communities.

I find that a bit confusing. What do you mean by normal services?

Mr. GORDON: A better phraseology might have been "general services"; the welfare services and programs which are applied in the province generally was what was meant there.

Mr. THOMAS: I have another question.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Is your second question on page one or page two?

Mr. THOMAS: On page two you say:

Mothers' allowances are payable to Indians in Quebec, and in certain categories of cases, in the province of Ontario.

I wonder if Mr. Gordon could give us a brief outline of what these certain categories are.

Mr. GORDON: In Ontario, under the mothers' allowance legislation, the Indian mothers, or persons who qualify under the mothers' allowance legislation of the province are widowed Indian women, and persons whose spouse is totally disabled.

The general categories of cases where allowances are paid for non-Indian mothers, but are not available to Indians on the reserves are women who are deserted or divorced, women whose husbands are in prison, and women whose children were born out of wedlock. At the present time these are the three main categories of Indian cases which are not eligible for mothers' allowance under provincial administration.

Mr. THOMAS: Would it be fair to ask why? What was the thinking or the argument presented by the provincial authorities which would cause them to exclude these particular cases?

Mr. GORDON: I think, Mr. Thomas, that first of all, the province of Ontario has been very progressive and forward moving in the general field. I am a little concerned about emphasizing the negative aspect of this one program. But I think the problem has been that there have been a considerable number of—perhaps slightly higher—Indians in those particular cases in the Indian community as compared to the non-Indian community. And it is a particularly difficult type of category of cases to administer in the more remote areas, and in the northern Indian reserves. I think those are the main reasons.

Senator INMAN: Can illegitimate children qualify for the mothers' allowance?

Mr. GORDON: Not in the province of Ontario, on an Indian reserve.

Senator INMAN: I did not think they could even in the white population.

Mr. GORDON: In the province of Ontario, under certain conditions non-Indian mothers of illegitimate children may qualify.

Senator INMAN: I know that in my own province they cannot.

Mr. HOWARD: I have a question on page one. My question has to do with the negotiation of agreement with province governments. Upon whose initiative is this done? Upon whose initiative would these people actually get together and sit down to negotiate? Perhaps this is getting into the field of the minister's attitude, and you may not want to express it. But does the branch or the minister do it? Or has the minister indicated it to a province, saying we would like to enter this sort of arrangement?

Mr. GORDON: To answer your question a little indirectly, perhaps the first occasion that I am aware of, took place, I think, in 1948-49. My director would be able to correct me.

Our director at that time visited each of the prairie provinces in turn and discussed the extension of services to Indians in those three provinces. In that case, the initiative was taken by the federal government at the civil service level.

Now, since that time, the progress has varied depending on the province, and the initiative taken at different times has varied as between the federal and the provincial governments.

In the case of Ontario, for instance, in regard to the application in Ontario of the General Welfare Assistance Act, this was a specific case where the initiative was taken by the province.

In your own province there is an inter-departmental committee which is working, upon representation from the Indian commissioner's office, and the provincial department of welfare. It has been sitting for several years.

This was an outgrowth of a meeting between the deputy ministers, federal and provincial, at which our director was also present.

I cannot give a firmer answer. It varies, depending on the circumstances. But we are pressing from Ottawa as hard as we can.

Mr. HOWARD: May I ask further about my own province? If you have it readily available, what is the state of the present discussion and progress? Are you discussing it with all the provinces?

Mr. GORDON: Working from west to east the B.C. interdepartmental committee is interested in a working arrangement and a clearance of the problems between the provincial and the federal agency staff, at the working level. There also are in the blueprint stage various pilot projects for the extension of a complete program in pilot areas. In Alberta, we have just in the last month or six weeks—our representative in Alberta has had some quite optimistic discussions, or quite favourable discussions with the deputy minister of that province.

In Alberta at the present time, the Indians off the reserve are treated on exactly the same basis as the non-Indians. What we are now discussing is the question of making sure that this is in fact generally applicable throughout the province, and in discussing ways and means whereby the provincial program could be extended to all the reserves.

The same is true of Saskatchewan. Last fall we had some fairly high level discussions with Mr. White, the deputy minister there, on a number of subjects.

In Manitoba, as you probably know, sir, there has recently been introduced a new social security program in that province. Not too much has happened yet. They are phasing their new program as they digest these changes. But the prospects again are favourable.

I think I already referred to Ontario. Quebec has recently introduced a Public Charities Act. This is a very interesting piece of legislation from our point of view, because it appears to eliminate municipal contributions towards welfare costs. That is the only province I know of where this applies.

Within that framework, and based on the discussions we have had with the provinces, the outlook looks quite favourable.

In New Brunswick the director of welfare services was in Ottawa yesterday, and I spoke to him on the phone and plan to see him in New Brunswick to discuss this exact problem.

In Nova Scotia things have been moving along quite favourably. They have just moved out of the old Elizabethan poor law in the province within the last few years. Again, as in Manitoba, they are digesting and trying to accomplish this. The prospects look reasonably good.

Prince Edward Island has only 300 Indians; we have not had any serious discussion with the Prince Edward Island government as yet.

Mr. HOWARD: I would like to propose this thought. I do not know how valid it is; but in talking about this question with people in the legal field, they are of the opinion that there might be some constitutional barrier if it got to the case of engaging in this sort of program; and also with the experience relating to education, with having Indian children going to amalgamated or so-called non-Indian schools, that because the exclusive jurisdiction and responsibility over Indian affairs rests with the federal government, this may cause a constitutional barrier in the future, unless it is attempted to be worked out. I wonder if this has been looked at?

Mr. GORDON: I am not competent to discuss the constitutional aspects of it. I think the record shows that we have been moving a very long way in this very desirable direction. However, this may become a problem in the future.

My understanding is that since there is no provision in the Indian Act specifically in respect to welfare, by virtue of section 87 of the act, provincial legislation, and provincial welfare measures apply, and the authority of provincial welfare staffs to enforce this legislation is there.

Mr. HOWARD: I think it is a desirable field to get into.

Mr. GORDON: It may become a problem as we move further into the field. It has been discussed, of course; but so far it has not presented any major problem to us.

The CHAIRMAN: Are there any other questions on page one or page two?

Mr. THOMAS: Further on page two, in the case of these Indian children that are not included in the provincial program in Ontario, for child protection, what happens? Does the Indian affairs branch provide them with the same type and amount of protection that other children in the province would receive?

Mr. GORDON: In the province of Ontario we actually have an agreement with all the childrens' aid societies, which have reserved jurisdiction so that this issue does not arise in Ontario.

In the other provinces where children's agreements are not in effect, or where we have not been able to secure a working arrangement to provide provincial service for Indian children who are neglected, or who need care—and as I mentioned in the brief, about 14 per cent of our expenditures are devoted to this field—the care usually takes the form of an arrangement for the child to be placed in the care of a foster family of some kind. Institutional care is also arranged for in some circumstances, and in some categories of cases we have the resources of our residential schools which can be used as a stopgap to provide protection for the children; but it is not altogether adequate.

When you come to a situation in a family where the child is in a neglected situation, and its legal guardian, parent, or even grand-parent, or somebody legally appointed refuses to co-operate in our plans to try to protect the child, in such a case we are in a difficult position, because when it comes to enforcement, we must rely on the provincial law and the provincial agencies. But one way or another we get around it. However, it is not too satisfactory.

Mr. SMALL: Is not the situation there in regard to children born out of wedlock improving according as their educational facilities improve? In other words, the effect of illegitimacy is cleared up once the educational facilities improve. I think this situation applies not only to children on an Indian reserve but to the non-Indians as well. And in connection with the problem of promiscuity, the Indian bands themselves are trying to check it.

That is the reason they do not want to see any welfare given in certain, particular cases. I was not speaking of any particular band, but about the problem generally. Certain improvements are suggested, such as sterilization,

as a means of clearing it up. But mostly it would be education. It was quite serious some 20 years ago, particularly on certain reservations. That is how it applied to these children born out of wedlock. Is that not the situation?

Mr. GORDON: The question of illegitimacy on Indian reserves may be a symptom of a wider social problem.

Mr. SMALL: It is a matter of education.

Mr. GORDON: Yes, community action and education. I think this problem is not confined to Indians alone, but is to be found in other circumstances in non-Indian society.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any more questions on page two?

Mr. THOMAS: Has any progress been made as far as bringing Indians under the hospital insurance plan of the various provinces is concerned?

Mr. GORDON: Mr. Chairman, this function does not come within my division. I suggest it is a question which might better be raised when you have the Indian and northern health services here. But just to answer it from my own general knowledge, the answer is yes, that they are participating. But I say it subject to correction.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any questions on page three?

Mr. SMALL: You say in the first paragraph on page three:

Regrettably it is also true that Indians who take up residence in non-Indian communities do not always have access to welfare services provided all other citizens as a matter of course.

Mr. GORDON: What happens there is that the municipalities in which the Indians are located—the treatment afforded them by the municipality varies from municipality to municipality. It must be remembered too that the assistance granted to Indians is reflected in the local tax rate. Each municipality has a percentage of the cost to pay for the service. There is a feeling abroad that Indians are the exclusive responsibility of the federal government.

This is used as a reason for not extending services in some cases to Indians who acquire residence, while if they were members of any other ethnic group, they would be dealt with by the municipality as a matter of course.

Fortunately, although this was very common a few years ago; it is rather rare today. The exclusion can take a number of different forms. In some cases it takes the form of a subtle discrimination against all persons of Indian status who wish to come in.

In other cases it amounts to a downright refusal to grant assistance to the Indian on the ground that he is an Indian. Now this is not racial discrimination. It is justified on the grounds that this person has an alternative means of help available to him through the federal government, and he could get this help by going back to the reserve.

Mr. THOMAS: Once the person has acquired 12 months residence in a province, under the sections in the provincial act?

Mr. GORDON: Yes.

We feel very strongly on this point. We have tried to move to protect the rights of the Indians and have indicated our willingness to accept responsibility for the municipal share up to the time they have acquired residence.

Mr. THOMAS: For that 12 month interval?

Mr. GORDON: Yes, or whatever the provincial act says.

Mr. HOWARD: With regard to the change-over from the ration system to the voucher or cash method of supplying food, mentioned on page 4, you say that 42.5 per cent are now on the cash system. That indicates that the balance have the direct food system operating? Is that correct?

Mr. GORDON: That is correct.

Mr. HOWARD: Have you experienced any difficulties which were unperceived perhaps at the time this was instituted? I can appreciate that where cash is involved—not only with Indians, but with non-Indians also—the money is spent in fields other than those for which it was originally intended. Have you found this more prevalent amongst Indians than has been experienced perhaps in welfare agencies amongst non-Indians?

Mr. GORDON: I cannot really say with any authority what the experience is in non-Indian agencies because the philosophy varies so much from place to place. I would say, however, that our experience in paying cash to Indians is closely related to our experience in paying family allowances. In the case of family allowances we started out with a fairly high percentage of cases under administration, on the premise that this was required. It comes down to this, do the Indians require this supervision and guidance in spending their money? We found in regard to family allowances, as we moved away from that concept and gave them responsibility, the percentage of administration dropped very considerably. This seems to be following the same pattern. I would say that the answer is that there is a danger in attempting to legislate for the majority because of the perhaps relatively small proportion of bad actors found in any community. We feel that this is all part of the process of growth and that we must give these Indians responsibility as quickly as we can. If abuses occur, I think the answer to that is prompt placement of that particular family under strict administration. Broadly speaking, we have been pleased and perhaps a little surprised at the very good response of Indians where this has been introduced and where they have responded extremely well. I do not want to make this too glossy a picture. There have been problems and difficulties, but by and large it has worked out very well.

Mr. HENDERSON: There does not seem to have been that response out at Chetwynd. I come from out west and just before I came away the manager of the cooperative store, one of the largest stores in Canada, said the Indians would come in and go about getting groceries. He said the Indian takes his cart and goes around to get what they want. He said he followed one group and said he noticed them going out and they had nine bottles of vanilla in this outfit. So, he took the vanilla away from them. He was speaking to me, as a member of parliament, and he said he thought they should still be getting goods instead of cash.

In another case, Pouce Coupe in British Columbia is a big town and when they get their money the first thing they do is go off in a taxi and go to Dawson and have a good time, and then in a couple of days they are as badly off again as they were before.

Mr. GORDON: We have had cases of Indians going to town in taxis to collect their rations also, so I do not know that we are going to solve it that way. I might mention that the Indian and northern health services have worked very closely with us in this. As you probably know, we have produced a brochure "*Good Food, Good Health*". We are trying to solve problems such as those you mention. This is not done by going to the Indian family which needs guidance and education and saying: "You will buy 50 pounds of flour, one pound of lard, and so many ounces of pepper, and so on." We try to work with them and help them. We get them to understand the purchasing value of the dollar, the importance of good nutrition, and so on. Wherever necessary we put them under administration. I am sure the practice is falling short of the ideal in some cases, and we would be delighted to hear of these abuses, because then we can make a check.

In regard to family allowances, we have somewhat the same kind of complaint. We made a very thorough investigation of the complaints in regard to the

misuse of family allowances, and I am pleased to say that many of these proved to be unfounded. Not only our department is engaged in that, but also the family allowances division of the Department of National Health and Welfare, which is also concerned in regard to reports of abuses of this nature.

Senator SMITH (*Kamloops*): I wonder if Mr. Gordon would clarify the last paragraph on page 5, in regard to standards of housing, living conditions and so on. I am delighted with the indications in this report as to the important place housing is taking. I think it comes next to education, that it is the best solution and the most promising thing in the whole program. As to the consideration as to whether the Indian is ready for it or wants it, or will accept it, does that make an influence in approaching the improvement in housing?

Mr. GORDON: In this way it does, that we feel that unless we have an individual who wants a better home, and is prepared to work for it, and, after he gets it, to maintain it and to take care of it properly, that expenditures on housing by the government does not work out so well. In other words, if the individual is not interested in a house, the only way to provide a house for that man is to come in and build one for him and then to install him in the house. This can lead to all sorts of very undesirable things. The man then considers himself merely as a tenant of a government-owned house. He does not care about its maintenance, when he has that kind of disinterest in a home. In the case of a group such as this, which has little or no interest in better housing, we try to encourage and promote that kind of interest before we begin the actual housing itself. In this whole housing field, the participation of the Indians themselves is important, so that they will work for this housing, so that they will feel interested in it and be prepared to protect it and guard it. That is essential.

Senator SMITH (*Kamloops*): You tell us later on in the report that practically 50 per cent of the cost of housing has been contributed by the Indian in cash, labour, materials and so on.

Mr. GORDON: That is right, sir.

Senator SMITH (*Kamloops*): How does that break down? Is that 50 per cent basis pretty general?

Mr. GORDON: No, it is not, sir. These are national figures based on a national average across the board. In some bands, the band funds are substantial. This figure of 50 per cent contribution includes communities where there has not been a dime of federal appropriation invested in housing. In other areas where the individuals and the communities are impoverished, this percentage includes cases where there has been no contribution either by the community or by the Indians, other than their own labour, towards the housing and perhaps the provision of materials. There is a complete range of situations within these extremes which I have just mentioned. It varies from community to community.

Mr. HENDERSON: I believe that the Indian is going ahead, wanting to live.

Mr. GORDON: Oh, yes.

Mr. HENDERSON: They want to get better, but when the summer comes and the wind blows warm what does he do? He gets into a tent. He leaves the house. We see them in the Fort St. John country. They all go to tents and stay for the summer, and go back when it gets cold in the winter.

Mr. HOWARD: The Gatineau hills are full of tents.

Mr. HENDERSON: In regard to social services mentioned on page 7, in my travels around I was at Chetwynd and the welfare nurse came. The town was full of Indians and they took their kiddies and went in to her. I think those people are doing a wonderful job. The women were all there that day.

I wanted one nurse, whom I know, to come for lunch but she said she could not as they were all waiting one after another. That is a good thing, when our welfare workers take such an interest in those people.

Mr. MUIR (*Cape Breton North and Victoria*): With regard to community organization, referred to on page 7, where you mention homemakers' clubs, health and welfare committees and parent-teacher associations, does this organization fall under the superintendent or have you someone for that purpose on the reserve?

Mr. GORDON: As to the organization itself, Mr. Muir, the prime movers in the welfare field have been the regional social workers. They have worked through band councils. They have worked through the Indian superintendent, through the assistants, through the teachers. All these have made a big contribution. A very big contribution has been made also by the Indian and northern health service nurses. What it amounts to is the use of the materials and resources in any local area that are appropriate. We have been fortunate also in the help extended to us by a number of organizations and agencies outside the framework of our own department.

Mr. MUIR (*Cape Breton North and Victoria*): For instance, in the Cape Breton area, are you referring to the St. Francis Xavier's movement?

Mr. GORDON: Yes, and also in Nova Scotia, to the extension department of the Nova Scotia department of education. A good deal of work has been done in Nova Scotia and New Brunswick through the cooperation of the extension departments there. It varies. In Manitoba the welfare council of greater Winnipeg has worked closely with us in this field. In Ontario it is the provincial community programs branch. We use a variety of resources dependent upon their availability in the locality.

Mr. MUIR (*Cape Breton North and Victoria*): Do you have a permanent social worker for an area, a specified area or region?

Mr. GORDON: Yes.

Mr. MUIR (*Cape Breton North and Victoria*): In eastern Canada how many social workers would you have—say in Nova Scotia and the maritimes?

Mr. GORDON: In the maritimes we have one social worker at the regional headquarters, in the direct employ of the branch.

Mr. MUIR (*Cape Breton North and Victoria*): Just the one.

Mr. GORDON: Just the one.

Mr. MUIR (*Cape Breton North and Victoria*): Do you feel that he or she is able to do what should be done?

Mr. GORDON: One social worker obviously cannot do a case work job except by neglecting every other task he has in that community. The job calls for enlisting and utilizing the services which are available in the community, or in the province. An example of this is the use of the resources and staff of the society of St. Francis Xavier. This was developed, directly and subsequently expanded by our social worker in that region through the use of resources outside the department. The same thing applies in the case of child welfare where social workers generally are required. I do not think we can hope to provide a sufficient number of these, and we do not want to duplicate available personnel and other agency staff and resources.

Mr. MUIR (*Cape Breton North and Victoria*): I appreciate that you would not have as many as you would like to see there. I am thinking particularly of Cape Breton. If we did not have the activities of the society of St. Francis Xavier extension department in that area, which is doing an excellent job of work there, what would take its place, as regards social work?

Mr. GORDON: Prior to the society of St. Francis Xavier becoming involved in this, Mr. Muir, the regional social worker did a good deal of this kind of work. The Indian superintendents were involved. I think it has gone much faster because of the availability of the Society of St. Francis Xavier, but the lack of an organization such as that does not necessarily leave a vacuum. We try to do the best we can with the resources we have.

Mr. SMALL: In regard to the amount of money, mentioned at the top of page 7, and brought up to the latest figures you gave us, \$1,269,000, that appears to be about four times the original amount.

Mr. GORDON: That is right, sir. The reference to 14 per cent at the foot of page six is not a reference to the increase.

Mr. SMALL: No; but the amount of money has gone up by four times.

Mr. GORDON: Yes.

Mr. SMALL: Then you go on to state that this was not just covering an increase in neglected situations. You said it was general, that it was not in any one particular province.

Mr. GORDON: That is right, sir.

Mr. HOWARD: In respect to the item right at the top of page 9, about the community requiring new houses and the number built in the last eight years, I noted on the next page that there is a percentage figure of 29 for 1958. That refers to that percentage of Indian families continuing to occupy substandard housing. I wonder what that 29 per cent means in terms of an absolute number of houses?

Mr. GORDON: Do you mean the actual number of houses themselves?

Mr. HOWARD: That are still considered to be substandard.

Mr. GORDON: I will give you that in a moment. This does not quite answer your question, Mr. Howard. The way this statistic is worded, it refers to the number of families occupying substandard houses. According to the 1958 survey, the best figure that I have available here deals with the total need for new housing as it was determined in that survey. This figure includes families who have doubled up in housing. At that time the requirement was for 8,746 houses. This has been reduced in the most recent figure which I have—I offer this figure subject to correction, because the figures are not completed. It has been reduced to 7,000 houses since then according to our last survey.

Mr. THOMAS: Is it fair to assume that if this program is continued for another eight years at the present rate, you will have eliminated the worst of the slums on Indian reservations?

Mr. GORDON: There are two points there, Mr. Thomas, which must be kept in mind. First of all, the eight years span the program when we were spending \$1 million per year. In 1958 the appropriation was doubled, so there has been an acceleration in the program. To counterbalance that, the standard of housing and the cost per unit have been steadily rising over the years. Also, it is not a static program. If we had only to deal with the absolute number of houses now needed, this would be a relatively simple matter; but we have to face the fact that there are new family formations at the rate of about 1,100 a year in the Indian population, not all of these of course, require new housing. We have to face the fact also that as the economic climate changes there are movements away from older communities to newer communities to take account of changed economic circumstances.

The third thing is that a number of the houses built prewar, during the war and immediately after the war are gradually reaching the stage where they also must be replaced.

Therefore, this problem is increasing all the time and as a consequence only a percentage about 40% of our effort each year can go towards a reduction of the backlog.

Mr. THOMAS: In other words, there is really no accurate forecast of what houses will be needed?

Mr. GORDON: No, sir. We know at any given stage where we stand. We know also that this need is going to be increasing as the years go on.

Mr. HOWARD: I do not want to misinterpret any figures and would like to get them correctly. You said that 1,100 new families are entering the picture each year. Can you tell us where you get the estimate of 1,350 for 1960-61? Perhaps we are doing even a little bit better than keeping even with the present situation?

Mr. GORDON: That is an accurate statement, Mr. Howard. Because of that situation we feel that the proper answer to this is an accelerated program which we hope we can achieve on the basis of increasing Indian participation and through the loan program.

Mr. SMALL: In regard to the third paragraph on page 9, where you say they are living in over 600 communities. What do you define as a community?

Mr. GORDON: We include in that all the occupied reserves, and we also include the traditional Indian communities in areas where there is no reserve base. For example, in the Northwest Territories these Indian communities are not reserves, but they are traditional Indian communities.

Mr. SMALL: In other words you take what you call a reserve and put it into a community. You state 600 communities. We know there are over 2,000 of what are called reserves in Canada, so there must be some of these added together.

Mr. GORDON: Many of these reserves are not occupied and the 600 corresponds very closely to the number of bands, sir, as I think you will find.

Mr. HENDERSON: As you go along towards Portage la Prairie apparently there is a bunch of Sioux Indians who are living about as close to rats as anything you ever saw. They are living in little log houses, and the women are all around. There is quite a bunch of them there. What do you do with an outfit like that? Do you leave them there? They are right on the highway. They are a grand advertisement for Canada!

Mr. GORDON: I think sometimes, sir, we get blamed for situations which are really metis problems. I do not know the particular community of which you speak. There are several Sioux bands. There are several in the Portage la Prairie area, and these, I think, are not under treaty,—and again I am speaking subject to correction because this is not my field,—but they have all the benefits and advantages other than payment of treaty money which other Indians in the province have. You are quite right in that there are instances where we have not been able to do anything really effective in regard to housing. The reasons are very many and vary according to the local circumstances. There is the availability of funds and so on. We are looking as quickly as we can into these cases where these kind of difficulties arise, and we are trying to clear them out. However, in many cases, especially in these highway situations, these are referred to by the local people as Sioux or Cree, or something like that, and they may not be Indians at all, but one of those fringe communities comprised largely of metis.

Mr. HENDERSON: These were Indians. I stopped and saw and looked. They were remnants of a crowd that came in. We had some from Peace River country but they integrated right in and married, and they were known as Fellers. Old Mrs. Fellers went from St. Boniface with Riel from Manitoba, and 28 wagons came back and they became dandy settlers. One would not want better people.

They intermarried, the children went to school. They had a school teacher from the school board there. Today you would not know them, no one would ever say that they are Indians.

Mr. GORDON: There are some communities where the housing conditions remain bad and where there are still those little log houses. We are anxious to improve that situation.

Mr. HENDERSON: I have seen them for some years. I was raised in Manitoba. They came there for years and they always talked about their being Sioux that came over and the government did not recognize them.

Mr. GORDON: I do not know this community, sir, and they may have been referred to as Sioux. Sometimes they are, and they may of course have very pronounced Indian characteristics. They may live in very much the same kind of way as Indians but still be metis and the responsibility of the provincial government.

Mr. HENDERSON: I think most of them are Indians.

Mr. GORDON: There are some communities in the Portage area like this. The people are not legally Indian within the meaning of the Indian Act.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Mr. Henderson, do you want additional information later in regard to this family of which you speak?

Mr. HENDERSON: Yes. Dr. Fairfield knows the band personally.

Mr. GORDON: We will get some particulars for you. The director reminds me that in the case of one of the Sioux bands, Long Plain Sioux, a good deal was done. Land was secured and quite an elaborate housing program was embarked upon for this particular Sioux group. That is probably not the one to which you refer.

Mr. HENDERSON: Dr. Fairfield knows the outfit intimately and talks about it.

Mr. SMALL: Where does this group live?

Mr. GORDON: Long Plain Sioux?

Mr. SMALL: The one he is talking about.

Mr. GORDON: The Sioux were refugees from the troubles in the United States and moved north. The same kind exactly. They are all pretty much the same. We will look into the case Mr. Henderson mentions.

Mr. HOWARD: You say that 8 per cent of the Indian families on the reserve are earning \$3,000 and over, and are in that income bracket. On page 10 you mention families with incomes of \$2,000 or less. I wonder what that means in terms of percentage?

Mr. GORDON: I have here the figures from the most recent survey, but I am speaking subject to correction. These must be considered as tentative figures. According to the 1960 survey 21 per cent of the families were in the \$2,000 to \$3,000 category; 8 per cent would fall in the category of \$3,000 and above; which would mean that approximately 71 per cent fall into the \$2,000 and under category. I am sorry to keep qualifying these figures, but I feel I must do so since they are going into the record. They are subject to modification and correction as more reports come in.

Mr. HOWARD: In regard to the information about various income brackets into which these people fall, you make reference to a sliding scale of eligibility or subsidy. Has this sliding scale been developed to a point where you could explain how it functions?

Mr. GORDON: Only in very general terms, sir, because while we have a general approval in principle to develop such a program, we have not a specific approval for it. Broadly speaking, as the income of the individual goes up by \$100 grades, the eligibility for subsidy is reduced, but not in the same pro-

portion. For example, if you raise your income level by \$100 steps, you reduce your subsidy by \$25 steps and try to maintain the incentive to achieve a higher standard. Combined with this, and also on an inclined plane, is the availability of loans themselves.

Mr. HOWARD: Do you think this is a minimum income level which would be equated with the 100 per cent subsidization?

Mr. GORDON: At all levels we are expecting a cash contribution, except in extreme destitution, and this is set at a very low level, in fact, as low as \$25. That, I think, is the figure we have in mind for categories up to \$2,000. At \$2,000 we expect a sliding scale of increased contributions as the income rises, but this is kept at very modest levels up to the \$2,000 level. The \$2,000 is a plateau that we have taken.

Below this plateau we do not consider that the family's contribution at that point can really be in terms of cash. Below that level the families need all the dollars they can get for so many other purposes, and there is relatively little to contribute in cash or in loans towards housing.

Mr. HOWARD: So that in rough figures 5,000 to 6,000 of this is at the moment on inferior houses or families living in inferior houses which will require almost complete subsidization under the welfare housing plan?

Mr. GORDON: You will have to remember that the Indians in the higher income brackets have, by and large, through their own resources with such help as we have been able to provide, been able to improve their standard of housing to the point where it is above this substandard category. So that larger than an exact mathematical share of this will concern the persons who are in the lower income brackets and occupy substandard housing.

Mr. CHARLTON: These figures on page 8, do they include the houses that were built on loan only?

Mr. GORDON: We have not had a loans program based on appropriated funds up until now, and the only really effective loan program has been handled through band fund participation.

Mr. CHARLTON: This number of 8,395—that is mainly subsidies?

Mr. GORDON: Yes, 52 per cent of the cost of the 8,395 houses was financed from appropriations. The remainder was financed in various ways, some of which would be loans financed through the band funds.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Any other questions on page 11? If there are no further questions on page 11, let us proceed to page 12.

Mr. HOWARD: Mr. Chairman, on page 12 I would like to inquire specifically what amendments to the act are required in order that this be put into effect, or do you envisage some necessary changes?

Mr. GORDON: There will be an opportunity for this. I understand, or I think it is planned, that the revisions to the Indian Act will be reviewed at a special session of the committee. I have discussed these revisions with the official who is responsible for developing them, but it involves a number of points I am really not too competent to discuss. With your permission, Mr. Chairman, I would like to defer that question, if I can. There will be an opportunity to review it.

Mr. HOWARD: Can I ask a supplementary question to Colonel Jones? As I understand it then, there will be presented to the committee proposed amendments.

Mr. JONES: The branch will always be at the call of the committee. We have for discussion, if the committee so desires, a number of suggested amendments. To answer the question you put to Mr. Gordon briefly, it concerned land ownership. Those are the main amendments which we think are necessary

for this scheme. It is land tenure that is the problem. But whatever the committee, in their wisdom, desire, we will have ready many amendments—over 50 I think—subject to the committee's wishes.

Mr. HOWARD: It would be my personal wish, but I think it is perhaps something that the committee in its entirety would discuss first.

Mr. CHARLTON: Before Mr. Gordon leaves this, I would like to ask him if there has been any appreciable change in the housing situation, having to do with the previous policy of giving the Indian a pile of lumber, for instance, to build his own house or help build his own house, and this system you are now developing of partly prefabricated houses. I had it brought to my attention from British Columbia, and I understand that some of the lumber that was provided to the Indian probably did not help him to build the house and he became discouraged. The lumber was left and the house was not completed, whereas the prefab systems of complete plans and description of how to do it, given to them at, I would say, a very reasonable extra cost, was proving quite satisfactory. Is that the case now?

Mr. GORDON: Our construction and engineering division has been working very hard on this. As you know, we are going to stay away as much as possible from the completely prefabricated house, because this eliminates the opportunity for Indians with very little cash to make the only contribution that is possible, which is in terms of labour.

The house which is custom-built entirely from dimensional lumber makes it difficult for people who are not skilled carpenters to make a real contribution. Through the pre-cut principle, we hope to put materials in the hands of Indians which can be assembled into a house with a minimum of skilled labour. This will allow the Indians an opportunity to make an important contribution to the house without having to be skilled workers. In this way, we feel that we can avoid some of the problems which have occurred in the past, where lumber has not been used in a proper way.

Mr. CHARLTON: Will the extra cost of the pre-cut, or partially pre-cut lumber, be greater than the waste involved—

Mr. GORDON: No.

Mr. CHARLTON: —in the uncut lumber?

Mr. GORDON: No, and particularly where you must use a high percentage of unskilled labour, the extra cost is compensated for.

Mr. CHARLTON: And there is little supervision.

Mr. GORDON: That is right.

The ACTING CHAIRMAN (*Mr. Gundlock*): If there are no further questions on page 12, we will adjourn until 3.30 this afternoon.

The meeting will be held in this same room.

AFTERNOON SESSION

TUESDAY, May 9, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Ladies and gentlemen, we will commence right away, as we have quite a long brief to hear.

Before calling the next witness, I would like to thank Mr. Gundlock for having replaced me while I was unavoidably absent, as we usually say.

I now call upon Mr. R. F. Battle, chief of the economic development division.

Mr. R. F. BATTLE (*Chief, Economic Development Division, Indian Affairs Branch*): Mr. Chairman, hon. members of the Senate, and the House of Commons, I turn to the first heading in my brief:

I. Origin and Aims

Until the beginning of 1960 the activities of the branch designed to help Indians make a better living were administered mainly by the welfare division. It became apparent, however, that these programs needed to be intensified and other programs introduced. This led to the establishment of the separate economic development division.

When the division became a separate entity in February 1960, programs were already operating in agriculture, wildlife and fisheries, and Indian employment placement, while a revolving loan fund and a small handicraft marketing service had also been in operation for some time.

The program of the division has a twofold purpose: firstly, to encourage Indian communities and individuals to provide for their basic economic needs at a level comparable to that of other Canadian groups and, secondly, to foster individual and group participation in Canadian economic and social life through wage employment off reserves and a transition to urban living. The dominant theme of the work of the division is that its programs and projects require, both in planning and development, participation by the people themselves in efforts to improve their level of living with as much reliance as possible on their own initiative.

The immediate objectives are firstly, to help the Indians to put to the best possible use the resources available to them and, secondly, to help them find suitable employment both on and off the reserves. Experience has shown that attempts to help will be of severely limited effectiveness if the motivations and involvement of the participants have not been aroused. Therefore, this is essentially a self-help program.

II. Agriculture

At the present our main functions in the field of Indian agriculture are:

1. To provide our Agency staffs technical and managerial advice to farmers and encouragement for them to take advantage of services and support extended to farmers in general;

2. to provide financial assistance to the individual Indians who are genuinely interested in farming; and

3. to encourage agricultural development wherever appropriate and particularly by arranging meetings and conferences so that Indian farmers can discuss and help solve their own problems.

The eligibility of Indian farmers has now been established for assistance provided under the Prairie Grain Advance Payments Act, the Prairie Farm Assistance Act and the Prairie Farm Rehabilitation Act, and they are now sharing in the benefits of this legislation. The division is establishing closer liaison with provincial and federal Departments of Agriculture which have provided valuable services in the past, and we intend to promote full participation of Indian communities in federal-provincial rural development programs.

Financial aid to individual farmers is available from several sources, namely, band funds, appropriation and the revolving loan fund. Credit sources will be discussed in some detail later on in this submission.

Generally speaking it has been found from experience that Indians adapt more readily to the raising of cattle than to grain farming. Consequently, although the issue of livestock for breeding purposes has long been departmental policy this program has now been broadened and accelerated by the introduction of the rotating herd plan. Under this scheme a herd is loaned to

a selected individual for a period of two or three years. He retains the offspring, passing the herd on to another individual. Thirty-seven such herds have been placed on reserves in the four western provinces since April 1960, and we have planned for a sizeable expansion of this program in 1961. Of course, foundation herds are also obtained from loans from band funds and the revolving loan fund.

The branch has also encouraged the formation of Indian agricultural committees to arouse interest in farming and farm management problems and to promote Indian leadership. Agricultural conferences have been held in Manitoba and Alberta—in the latter province Indians from bands extending from the United States to the Northwest Territories borders have met at five annual conferences to discuss agricultural problems and plan the development of this industry. In addition to promoting Indian leadership these conferences have helped the branch and the Indian councils to adapt their program to the needs of the industry so that it can be developed on a more sound and practical basis.

The division also makes grants to a number of agricultural fairs where Indians display livestock, garden produce and handicraft articles.

Another aspect of the division's program is the encouragement of subsistence and market gardening which involves land clearing and breaking, provision of equipment and supplies of seeds and the awarding of garden and home improvement prizes. However, it has been found that the best Indian gardeners are those who furnish their own supplies and prepare their own plots without asking for assistance.

It is our view that programs now in effect should be constantly reviewed and improved so that Indian agriculture is developed according to the standards and as an integral part of the agricultural economy of the larger community. This development must be at a pace which the Indians themselves can maintain. Indians worthy of assistance should have access to suitable credit resources administered on a sound businesslike basis. More young people with the necessary ability and stability must take advantage of the branch's program of assistance to take technical training in universities, colleges and vocational schools to prepare themselves for careers in agriculture either as farmers or as specialists.

III. *Wildlife and Fisheries*

Many Indians particularly in the northern regions of Canada by choice or necessity still depend in considerable measure on their traditional means of earning a livelihood. Despite the impact of wage employment the utilization of the renewable resources is still the largest single factor in their economy both from the viewpoint of numbers employed and from income received.

The aim, therefore, is to secure the development of the fur, fish and game resources to the carrying capacity of the habitat and the harvest and sale of the produce in a manner that will assure conservation and still bring the maximum financial return to the producers.

The program of the division is divided into three main features—fur rehabilitation, game management and fishery supervision. It is important to understand that these activities have one thing in common—the department is attempting to assist Indians to develop and manage resources over which the department has no administrative control or legal authority. The attitude of each provincial government is consequently a vital factor in obtaining the success of any developmental program undertaken on behalf of Indians.

Formal agreements in fur rehabilitation and management are now in effect with two provinces, Manitoba and Saskatchewan, and an agreement with Ontario which expired in 1960 has been extended for a two-year period pending

consideration of another basis for joint effort in this field. Informal arrangements have also been entered into with some of the other provincial administrations to secure the development of special projects.

Fur Rehabilitation

Active participation in provincial fur management programs began in the '30's and has continued to date with very worthwhile results in terms of increased production. As you are aware, however, the increase in commodity prices has brought about a disparity between these prices and the prices of furs which, in turn, has tended to reduce the advantage gained over the years from increased production. Nonetheless, the economic position of the Indian trappers in areas affected by the agreements would have been much more serious had production stayed at the previous level.

Further expansion of the fur conservation program can be brought about by entering into formal agreements with the other provinces, by obtaining the lease or allocation of areas for development by the Indians or by informal arrangement under which each government assumes a responsibility for the development of one or more phases of a program of rehabilitation and management. This division remains alert to opportunities and possibilities in this area.

One aspect of the wildlife program of particular concern to the branch is that of fur marketing. There are several ways in which the disparity between fur prices paid to the producers and commodity prices paid by the producers can be reduced. Along with other co-operating agencies and departments we have stressed the importance of quality control so that maximum prices can be obtained. The branch also issues advances to enable trappers to reach their traplines and remain there during periods of peak production. More recently we have shared in the cost of operating the North Bay fur marketing project which in addition to providing a direct service to many Ontario trappers has also had an obviously beneficial effect on prices paid by local dealers throughout the province.

The Branch feels, however, that other measures are required to make certain that producers are able to finance their operations, maintain top quality production standards and obtain the maximum price return for their products. This important aspect of the fur program is receiving constant study and attention.

Game Management

The subsistence value of the game resources is even more important to Indian trappers than the cash income received from the sale of their furs. This is especially significant in isolated areas where there is no alternative source of meat supply and where, even if preserved meats were available, they would retail at or above \$1.00 per pound. On that basis, it is possible to estimate the value of beaver harvested by Indians in Ontario at well over one million dollars. Similarly, to an Indian each deer is worth \$100 and each moose \$450.

The game management program of the branch has been one of co-operation with the provincial administrations in teaching and promoting sound conservation practices. In areas where joint fur programs have been in effect the increase in fur bearers has been accompanied by a growing increase in other game. In the range of the barren ground caribou, which species has been faced with serious depletion, it has been necessary to provide alternative sources of food through herd reduction programs in national parks, and by assisting with the establishment of domestic fisheries. Other measures have been used by the branch to help Indians to conserve the caribou—for example, payment of bounties on wolves destroyed in organized den-hunts; the issue of high power rifles to reduce wastage, and so on.

In short, the department co-operates in all practical programs by which supplies of wild game can be increased because we know the importance of wild meat to the Indians. It is our view that their claim to this resource must remain firmly a prior one to the claim of others particularly sportsmen.

Fishing

The most readily accessible source of animal protein for Indians is fish which ranks high in the subsistence aspects of their economy especially in the more remote regions. It is estimated that 2,000,000 pounds per annum are consumed by Indians in Saskatchewan alone.

The branch assists Indians to fish for domestic purposes by providing nets and equipment and in some instances such as in the barren ground caribou range by organizing domestic fisheries and where necessary assisting with transportation of the fish back to the settlement for consumption or storage. As it is with wild game, fishing for domestic use is vitally important to the Indian and as long as this condition prevails his access to these products of nature must be assured.

Since trapping is a seasonal occupation and the disparity between fur prices and other commodity prices makes it impossible for Indians to live from this endeavour alone the department by organizing a number of pilot projects has attempted to develop commercial fishing as an additional source of income. The main effort of the branch has been made at the lake level where Indians have been provided with nets and equipment; assistance in storing ice with instruction on its use to preserve the fish; aid in building sanitary packing sheds and general supervision in shipping and marketing.

The objective, of course, is to have Indians operate these fisheries themselves, either as band or community projects or as co-operatives but until they are able to do so we must become involved in supervision and management to assure the maintenance of proper standards of production.

Because of the effects of triacnophorous infestation of whitefish and the growing preference for fillets over round or rough dressed fish, the branch is anxious to see the establishment of modern processing plants in areas where sustained production yields are possible, and Indian fishermen are concentrated. In some areas private industry has already moved into this field and further development is anticipated. However, where private industry fails to provide such facilities it may be necessary for government to do so recovering costs by means of an impost on the sale price of the product.

The development of summer commercial fishing to complement winter trapping operations adds greater stability to the Indians' economic position particularly in remote areas and it is essential, therefore, that this program be pursued with renewed and continued vigour.

IV. Indian Employment Placement Program

The objective of this program is to help Indians individually or as groups to find wage employment. The program was inaugurated in 1957 and since its inception the primary focus has been on the placement of selected people in permanent employment. For this purpose, appointments of regional placement officers were made in 1957 at Vancouver, Edmonton, Winnipeg and Toronto; in 1958 at North Bay and Quebec City and in 1959 Saskatoon, Amherst, N.S., and in 1960 at Fort Smith. Another position established at Whitehorse has just been filled. This year we are extending service to Prince George, Calgary, The Pas, and London.

At present the placement program is being developed on two fronts. The first is called the permanent placement program under which carefully selected

Indians are placed in continuing employment and the second is the general placement program under which they are assisted in obtaining general employment usually of a short-term or seasonal nature.

The permanent placement program involves the counselling of individuals on the reserves, in schools or other centres of employment in regard to kinds of employment and necessary vocational training, the location of suitable living accommodation, various forms of financial assistance, advice in matters such as budgeting of income, problems surrounding the work situation, social adjustment and the development of suitable recreational and social activities using where possible community organizations. Another function of the placement officer is to promote vocational and special training programs to prepare Indians for employment. He is also occupied in developing labour force surveys and in establishing liaison with employers and seeking job opportunities.

In the first three-and-one-half years that this program has been operating approximately 785 selected young Indians have been established in employment of a permanent nature in various centres across the country—the majority of these in skilled or semi-skilled jobs. In addition to the desirable social effects, these placements resulted in a substantial saving in relief payments.

An even greater need exists for the employment of largely unskilled Indian labour. This kind of work, often seasonal or short-term, is usually found in the extractive industries and large construction projects in frontier areas. As a result of increased effort in this field large numbers of Indians have found employment in such areas as the beet fields in Alberta and Manitoba, the Grand Rapids power development, lumbering and pulpwood operations in various parts of Canada, northern road clearing projects, pipeline and seismic line clearing and so on.

It is important to know that we work very closely with the officers of the national employment service in developing this program.

Lack of motivation and ability to make the necessary social adjustment are the two most difficult problems encountered in the placement program. A third problem is the lack of education and of technical skills. To meet these problems the branch has organized special upgrading and vocational training programs using provincial and other local resources wherever possible. In these programs the social reorientation of candidates receives special attention. It should be noted that officials of the United States bureau of Indian affairs in developing their relocation program also observed that social adjustment and motivation problems are the most serious obstacles to satisfactory placement even in cases where special training and orientation have been provided.

It is essential that Indians in rapidly increasing numbers be channelled into employment as quickly as possible. This will require an increase in the number of placement officers to serve key centres and communities across the country. They would concentrate on seeking job opportunities, promoting training and facilitating effective integration of Indian workers into the community.

Still relatively untouched is the need to move larger Indian families from areas that can no longer support an increase in population. Relocating families demands, however, very careful assessment and an intensive counselling service. Apart from placement officers such an undertaking requires social workers to provide family case work services related to housing, budgeting, nutrition, child care and general integration.

In addition an increase in the staffs of some of the agencies will be necessary to take full advantage of employment opportunities in areas adjacent to the reserves. Consultative and advisory services can be provided by the district placement officers. In frontier areas particularly, resident employment officers are needed to supervise large employment projects.

V. *Miscellaneous Activities*

(a) *Sawmills*

In many Indian communities timber is available on the reserves or in the immediate vicinity. This division is interested in the utilization of this resource although timber management is in the hands of the reserves and trusts division.

There are presently 48 sawmills in operation throughout the country; 15 owned by bands and 33 financed by this division. These sawmills provide employment to Indians and also supply lumber for their homes.

One of the basic problems facing the division in the development of sawmill operations is the provision of suitable supervision and training which are so necessary if these projects are to operate efficiently. It is also necessary to provide funds to sustain the project in the initial period of operation and also to obtain timber resources off reserves for the Indians to operate on a sustained yield basis. With this end in view funds were included in the estimates of the division this year to enable us to obtain timber berths for Indians who lack band funds for this purpose. Also loans from the revolving loan fund and assistance from appropriation are provided to stimulate activity in pulpwood and similar lumbering operations.

(b) *Handicraft*

Many Indians are still engaged in handicraft work to produce articles for their own use. In northern areas skincrafts such as moccasins, slippers, decorative mitts and jackets are still being made in greater quantities than is generally realized.

However, handicraft production as a full-time occupation seldom provides an adequate income for a family, though as a part-time activity it can be a useful source of supplementary earning. It is estimated that the returns from sales were in excess of \$400,000 in the 1959-60 fiscal year.

A few traditional handicrafts of high quality are still produced, such as argellite carvings in British Columbia. For the most part, however, Indians are producing novelty articles and there is a wide variety in the quality of these items. Potato baskets are made in Prince Edward Island and slippers in Quebec, mostly for local sale.

The branch maintains a warehouse to facilitate the marketing of Indian handicrafts. Most of the products sold through this service are baskets and articles of birch bark and wood from the Pierreville, Maria and Manitoulin Island reserves. We have also assisted in other ways, namely, through loans to purchase supplies and stock in trade, through grants to exhibitions in cities and towns where Indian crafts are displayed, and by supplying hides to the producers. Some instructional staff is also made available in a few schools and hospitals.

The role of crafts in economic development has been a matter of concern to this division since it was formed. There are divergent views about the value of a more comprehensive and necessarily expensive program of craft and cottage industry development. A study of this field has now been undertaken. If further developmental work is undertaken it may take the form of experiments in areas where cottage industries are still operating. This would likely require the employment of handicraft experts to achieve a higher quality and range of production and improvements in marketing. However, very careful consideration to all aspects of this matter will be required before public funds are expended to extend the present program.

(c) *Refrigerators*

Some years ago the branch introduced a program of providing cold storage facilities in northern settlements so that Indians could lay in supplies of meat, fish and fowl to tide them over periods of short supply. Seventeen freezers costing in the neighbourhood of \$10,000 each have already been installed and plans are under way to extend this program to additional centres this year.

(d) *Cooperatives*

Although the branch has encouraged Indians to participate in cooperative ventures and has made loans and grants to assist in the establishment of organized cooperatives there has been no planned program to organize cooperatives among the Indians of Canada. It has been our experience in establishing numerous band or community projects of a cooperative nature that very close supervision and careful management are necessary if these projects are to succeed. In this respect, similar conclusions have been reached in the development of cooperatives among underdeveloped peoples in other countries.

However, as in the past, the branch stands prepared to consider the provision of financial aid in the form of loans from the revolving fund provided the cooperative membership is substantially Indian; the participants are thoroughly familiar through education and experience with cooperative principles and practices; the participants have a financial stake in the organization; the cooperative is to be engaged in a sound business venture and finally competent management and supervision are provided.

VI. *Finance*

Sources of financial assistance and credit available to Indians along with an outline of the credit sources not presently open to them are described in an addendum to this submission. Very briefly, Indians have access to all sources of credit available to non-Indians with the exception of those about which there is some doubt because of section 88 of the Indian Act which protects from seizure their personal and real property located on the reserve. Many bands have funds of their own to which individuals may turn for loans, grants and repayable advances. Funds are also made available from appropriation and bands, groups and individuals may apply to the revolving loan fund established under section 69 of the Indian Act.

Indian veterans of World War II and the Korean special force are eligible to participate in the benefits of all types of veteran legislation including the Veterans' Land Act. Applications are still being received and approved, with the total expenditure to date reaching three-and-one-half million dollars.

As described in greater detail in the addendum, in order to make additional credit facilities available to Indians we are proposing:

1. An amendment to section 88 of the Indian Act to make it possible for an Indian to waive exemption of his personal property from seizure thus making him clearly eligible to apply and be considered for bank loans requiring personal property as security and for loans under the Farm Improvement Act.

2. An amendment to section 69 of the Indian Act to make possible the lending of money to bands with sufficient assets so that they in turn may make loans to individuals. Provision must be made to permit recovery of loans in default from revenue monies of the band or from leases on land or other resources. This would make it possible to broaden the revolving loan fund program to permit loans in amounts larger than \$10,000 and on longer repayment terms. It is considered necessary also to increase the size of the revolving loan fund.

VII. *Research and Surveys*

This section was established only recently when an economist joined our staff in September 1960.

The main function of the section is to obtain an assessment of the economic potential of all resources and work opportunities, both on and off the reserves, that are available or can be made available to the Indian population. These assessments are necessary to enable us to draw up balanced economic development programs.

The emphasis in this section is on a two-fold program:

- (1) A general inventory of resources available to Indian bands, and existing Indian labour force;
- (2) Special resource surveys and economic development studies.

For the general inventory of resources we depend on existing (secondary) data. This inventory will include the natural resources both on the reserves and in the immediate areas where they are of significance to the Indian economy. In addition, data relating to labour on reserves and Indian unemployment will be collected.

These statistics are essential in guiding us in our development projects; and allow us to judge which reserves are most in need of special attention. Pertinent data can be distributed to outside agencies which might be prepared to consider establishing plants on or near reserves.

There are two objectives of the special resource surveys and economic development studies: (1) to determine for the Indians the kind of resources utilization that would be most appropriate to their needs, and (2) to assess the work opportunities that exist off the reserves for Indians with adequate training.

These projects are undertaken upon requests from Indian band councils to the extent that time and funds permit. To date we have initiated a special survey of the resources on the blood reserve which will be followed by economic analyses to determine the best use of these resources.

The preparation of an economic development plan, such as the one to be prepared for the blood reserve, involves a wide variety of professional training and we depend for the moment to a large extent on the services of provincial and federal government departments, universities and other institutions, that might be in a position to assist us in the execution of these studies.

This section is also involved in a series of studies, which are jointly financed by our department and the Ontario department of lands and forests, on the utilization of renewable resources in the Patricia District and the role the Indians of that area might play in future developments.

The economic analyses to determine the most appropriate use of the resources available to the Indians remain the responsibility of this Division. Apart from purely economic criteria, the final recommendations regarding resource use will also depend on the values, interests and aptitudes of the Indian people involved.

Other duties to be performed in this section include the review of relevant reports and studies. It is important that we are kept informed about developmental programs pertaining to primary resources in Canada and abroad, and that ideas and practices that appear worthwhile are passed on to the administrative level.

All of this work will, of course, have served little purpose if the Indians themselves have not been aroused to the need for planning and for active participation in the execution of developmental programs. We can point to numerous occasions when what appeared to be well conceived and planned projects ultimately failed to produce worthwhile results because the Indians, though they may have initially expressed interest, subsequently failed to demonstrate it by the sustained participation and effort so necessary for success.

Many projects have failed because of lack of management and supervision so that it is equally important that competent staff be available at the operating level. Indian Superintendents appreciate the importance of economic development work and devote to it much of their time and energy. However, they have many other duties to perform and any marked acceleration of the economic development program must be accompanied by the addition of economic development officers at appropriate levels of operation.

In line with current policy a concerted effort must be made to recruit and train Indians for these jobs to operate at least at the junior level, and as in the case of administrative staff proceed to senior levels on the basis of experience and demonstrated practical ability.

It is expected that this Division—using community development principles, stressing self-help with individual and group initiative and participation, and working with other divisions of the branch and other agencies—can, in time, assist those Indians at present living on a marginal or depressed level to achieve a better standard. Much, of course, will depend on the ability to arouse their interest in overcoming certain basic difficulties hindering their attempts to make the necessary social adjustments. Overcoming these difficulties will require a better understanding of the importance of the factors of time, sustained work effort, and saving and capital goods accumulation as means to bring about economic advancement. Also, other Canadians need to acquire a better understanding of these problems so that they can assist Indians to meet the conditions prevailing outside reserves.

The fact that many Indians have already made the required adjustment seems well for the future.

Mr. CHAIRMAN: With your permission I will not read the addendum.

The JOINT CHAIRMAN (*Mr. Grenier*): There is an addendum to this brief which contains rather interesting details of the credit facilities available to Indians and non-Indians. I suggest that it be taken as read. Is that agreeable?

Agreed.

(Editor's Note: The addendum is as follows.)

CREDIT

A suitable source of short and long-term credit is a necessary component of any economic development program for Indians.

A. What credit facilities normally enjoyed by non-Indians are also available to Indians?

1. Retail Outlets for Ordinary Consumer Goods

Indians can obtain short-term credit at retail outlets on the same basis as non-Indians. Usually this type of credit is dependent on the reputation of the borrower or debtor. It has been shown that Indian farmers obtain groceries, clothing and other supplies on the strength of anticipated sales of grain, livestock, etc.; Indian labourers on the strength of expected wages; Indian trappers and fishermen on the strength of sales furs and fish and so on. Some Indians have very poor credit ratings but merchants must assume some responsibility for this situation because in the past some have tended to overload Indians with credit and then look to the department to assume responsibility for the bad debts. The present policy of the department is to assume no responsibility for debts of Indians except those resulting from credit authorized by the department. The effect of this policy has been to place Indians in the same position as non-Indians and hence to give them an opportunity to develop more responsible attitudes.

2. *Conditional Sales*

As a result of the revision of the act in 1951 a person who sells to a band or a member of a band a chattel under an agreement whereby the right of possession remains wholly or partly in the seller, may now enter upon the reserve to repossess the chattel according to the terms of the conditional sales agreement. This new item opened up to the Indian a whole new field of credit without at the same time resulting in alienation of his real and personal property on the reserve. As a result, many Indians have acquired household furnishings and appliances, farm machinery and equipment, trucks and cars, etc. While investment of cash collateral in down payments, particularly on used cars, has often deprived families of such necessities as food and clothing the general over-all effect has been beneficial.

3. *Banks and Other Lending Institutions*

Indians can borrow from these sources of credit on the security of paid up life insurance or other assets or on promissory notes. Though many Indians have secured bank loans after having proven themselves reliable, this source of credit is very much restricted for reasons that will be outlined later.

Indians can also obtain fisheries improvement loans under the Fisheries Improvement Loans Act 1955 for the purpose of fishing vessels and their repair but not for docks or weirs situated on reserves because of section 88 of the Indian Act. However, the main demand is for loans to purchase or refit and repair boats.

B. What sources of credit are available to Indians that are not available to non-Indians?

1. *Revolving Loan Fund*

This fund was originally set up at \$350,000 and was increased in 1956 to \$1,000,000. It is available to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, handicraft materials, gasoline and other petroleum products, any other equipment, repairs or payment of wages, clearing and breaking of land within reserves; it is also available for carrying out co-operative projects on behalf of Indians, or to provide for any other matter approved by the governor in council.

As at November 30, 1960, \$1,335,550.30 had been loaned from this fund. Loans in order of aggregate size were granted for agriculture, fishing, timber, transportation, handicraft, housing, miscellaneous, stores, hydro-water. A total of \$498,790.03 in loans was outstanding of which 126 loans at \$239,705.81 were in good standing and 452 loans at \$259,084.22 were in arrears. The amount available for lending was \$452,184.49, after allowing for \$49,025.48 approved but not yet used.

Collections on principal have been \$836,760.27 out of \$1,335,550.30 loaned. Interest in the amount of \$126,570.50 has also been collected.

Generally speaking the most favourable repayment picture is observed in loans for purchase of appreciating or slowly depreciating assets—example, livestock.

2. *Band Fund Loans*

These loans are made to individuals under section 64 (h) (for the purpose of promoting the welfare of the band), and 64 (g) (for building purposes mainly housing) of the Indian Act. Under 64 (h) loans must not

exceed one-half the total value of the amount put up as security. To give some idea of the extent of these loans \$60,057.65 was loaned under 64 (h) in 1959-60 mainly for economic development purposes and \$839,469.25 was loaned from capital accounts under 64 (g) for housing purposes. (\$632,582.59 was expended on housing from Revenue accounts of which a portion would be repayable).

3. *Financial Assistance from Appropriation or Band Funds*

In addition to access to the loan funds, Indians can apply for advances from band funds or from appropriation in the case of bands without sufficient funds. For example, advances from band funds in 1959-60 totalling \$699,691.67 were made for agricultural development. In the same year a total of \$905,639.15 was expended from appropriation for economic development purposes a major portion of which was expended on capital equipment, buildings and works and repayable advances for the purchase of expendable supplies to assist Indians in commercial fishing, trapping, farming, lumbering, livestock raising, handicraft production, etc.

The budget for 1960-61 was \$1,194,809.00 and for 1961-62 is \$1,624,555.00.

Similar advances were made to assist Indians to become established in employment.

C. What sources of credit are not available to Indians that are available to non-Indians?

Section 88 of the Indian Act provides that the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour of or at the instance of any person other than an Indian. This has the effect of curtailing for Indians situated on reserves the benefits of certain types of legislation providing for the extension of credit. They are:

1. *Banks*

Loans under section 88 of the Bank Act (except on personal signature or third party endorsement), since the bank's power to take possession of the goods, products or property is open to question because of the provisions of section 88 of the Indian Act. This curtails opportunities for Indians to obtain bank loans for a wide range of uses such as, seed grain or potatoes, fertilizer, binder twine, livestock, agricultural implements, and farm electric systems, fencing, drainage work, construction and repair of farm buildings, fishing, and also items provided for under the Farm Improvement Loans Act (on the security of agricultural implements), forest products, etc. It also affects loans and advances under other sections of the Bank Act 82 to 87 inclusive for a variety of other purposes important to merchants, fishermen, boat transport operators, miners, etc.

2. *Industrial Development Bank*

Section 16 of the Industrial Development Bank Act establishes various types of assets which may be taken as security for loans. It follows that an Indian could not qualify for such a loan based on the security of assets located on the reserve. In the case of a loan secured by assets off the reserve, there is a difficulty in view of the possibility that the assets in question might be moved on to the reserve and might then be exempt from seizure in the event of default. There is also an additional

practical difficulty in that the bank requires that the applicant for a loan have a reasonable amount of money invested or to be invested in the business.

3. *Farm Credit Act*

The Indian is denied loans under parts II and III of the act because such loans are made on the security of a first mortgage on farm lands under part II and farm lands and chattels under part III. This has the effect of denying to the Indian farm loans up to \$20,000 for 30 year maximum terms under part II and up to \$27,500 for terms of 30 years on that portion of loans based on the appraised value of land and 10 years based on the value of the chattels under part III. The regulations also provide that farm units must be of a specified economic size and that agreement can be reached for the borrower to deliver one-half crop shares to the corporation over a minimum (wheat—6 bushels to the acre), and under a maximum (wheat—18 bushels to the acre).

D. What are the needs of Indians additional to the credit services now available?

1. As expressed by the various briefs submitted by bands and organizations the needs are outlined below in the order in which they appear to have been given force of emphasis.

- (a) Long-term loans for purchase of farm machinery.
- (b) Loans for the purchase of housing in cities and towns off reserves.
- (c) An enlargement in amounts and extension of purposes for which revolving fund loans might be used.
- (d) Long-term loans to purchase farms off reserves.
- (e) Loans to help establish small businesses on reserves.
- (f) Long-term loans for major village improvements, public works, etc.
- (g) Provision of funds to councils to lend to individuals.

2. *How and to what extent can or should these needs be met.*

It seems essential that the main objective of any plan to extend lending facilities should be to make available to Indians the same opportunities to borrow money that are available to other Canadians. Indians living on reserves have access to the revolving loan fund, band funds, and appropriation which serves to compensate to a degree for the facilities not available to them. It may well be that there is a case for extending or broadening the special services available only to Indians but it does seem more desirable that we first attempt to extend to these Indians the services available to non-Indians. In order to go all the way it would be necessary to remove entirely the "protection" provided to Indians in section 88 of the Indian Act. One of the briefs proposed such a move. However, there is little doubt that such a sweeping change at this time would result in some alienation of lands. In considering possible changes, however desirable they may appear, they must be designed in such a way that they will meet with acceptance by the Indians.

In 1951 a section in the new Act made available to Indians the opportunity to obtain equipment under conditional sales contracts. It now seems appropriate that we should make it possible for an Indian to offer his personal property as security for a loan if he so desires. It may well be that many will suffer the loss of such property but again this must be part of the learning process and the Indians should be

prepared to accept some of the bitter with the sweet. The intention, of course, is to not force this change upon the Indians but rather to give each Indian the opportunity to waive the "protection" of his personal property provided for in section 88 of the Indian Act. The privilege would not extend, however, to his real property, so that loss of his land to non-Indians could not occur.

There is a suggestion that he should be able to put up his real property for security on the understanding that the mortgagee could exercise his rights on condition that the land could only be sold to another member of the band. It is questionable if this would have much value because the mortgagee's rights would be too restricted.

The effect of the proposed amendment, viz, making possible waiving of protection on personal property, would be to make available to Indians on the signing of waivers, bank loans under Section 82 to 88 inclusive of the Bank Act (seed grain, potatoes, fertilizer, binder twine, etc., and loans under the Farm Improvement Act). This, of course, is short-term credit. Long-term credit as provided under the Farm Credit Act would still be denied to most Indians because of the exemption of their real property from seizure.

Long-Term Loans

There are several methods of meeting the long-term credit needs of Indians. Bearing in mind our desire to have Indians use the same services available to other Canadians, we considered ways to extend to them the provisions of the Farm Credit Act. However, since guarantees would have been required to offset the lack of land security, it was concluded that the administration of loans under such a plan would be too cumbersome to handle.

An alternative is to simply extend the scope of the present revolving loan fund provisions in the Indian Act to make possible the lending of money to bands (as legal entities) which would in turn lend to individual Indians for economic development purposes. It would also be necessary to provide means for the minister to recover in the case of loans in default from the revenue monies of the band or from funds obtained by the leasing of reserve lands.

Consequently, loans for such requirements as land purchase and development on reserves, construction of business premises, etc., could be extended over periods longer than five years. In accordance with present administrative practice a five-year limit would still apply to loans granted for the purchase of farm equipment and other rapidly depreciating assets.

Indians seeking to purchase farms off reserves would, of course, be eligible to apply for loans under the Farm Credit Act because in such cases the lands to be acquired could be offered as security for the loans.

In summary then we are recommending:

- (a) An amendment to section 88 of the Indian Act to make it possible for an Indian to waive exemption of his personal property from seizure thus making him clearly eligible to apply for bank loans and loans under the Farm Improvement Act.
- (b) An amendment to section 69 of the Indian Act to make it possible to lend money to bands which in turn would make loans available to individuals for economic development purposes. This would be used in cases where bands have sufficient assets to guarantee repayment of loans. Loans in default would have to be recovered from revenue monies of the band or from leases on land or other

resources. This would make it possible to broaden the revolving loan fund program in such cases to permit loans in amounts larger than \$10,000 and on longer repayment terms. It would also be necessary to increase the size of the revolving loan fund.

Still to be considered is the question of the provision of loans (or grants?) to assist Indians off reserves to purchase housing, farms and business enterprises. In this regard Indians can use the same facilities as are available to non-Indians. For examples, they are eligible to apply for loans under the Farm Credit Act to purchase farms and equipment.

It is interesting to note the United States Bureau of Indian Affairs has carefully avoided attempting to provide a lending service to Indians off reserves. There are many arguments both for and against extending Branch services to provide such loans; and since they would extend assistance to Indians off reserves that is not available to non-Indians, this would have to be considered in the light of its effects on the integration of the Indians.

The JOINT CHAIRMAN (*Mr. Grenier*): Have the members of the committee any questions to ask on the brief? I suggest that we proceed as usual, starting with page one, in order to cover all the main subjects of the brief.

Mr. GUNDLOCK: I have one question. I understand there is going to be a survey conducted among the Blood Indians in Alberta, more or less to obtain the agricultural potentiality, or the overall potentiality of the reservation. I wonder if Mr. Battle could tell us some of the details about it.

Mr. BATTLE: Yes, Mr. Gundlock, I think you will recall that when the Blood band council appeared before the committee they asked that an effort be made to prepare a development plan for them. They wanted a long term plan that they could use for some time in the future, so that they would be quite positive that what they were doing was the right thing.

Since the request came from the council, we then set out to develop such a plan. What we have done is to call a meeting of a number of people in various government departments, both provincial and federal. This meeting has been held. Members of the council also attended the meeting.

Each department of provincial and federal governments will have a special task to perform. For example, the lands and forests people in Alberta will probably become involved in soil analysis work, and so on.

There is another meeting to take place in Calgary some time this month. When these people will all come together again, to indicate how they propose to go on with their particular work. At that particular time we hope to be in a position to have some of the staff present to provide some co-ordination at the field level.

We can see this study going on for a period of possibly two years. They will not only look at the agricultural resources, but all the other resources that prevail, not only on the reserve, but also in the surrounding community with the objective of finding job opportunities for as many Indians of the Blood reserve as possible. Upon the conclusion of this two year study we hope to be able to present the council with a development plan.

Mr. CHARLTON: I have a question, but it has to do with page 12.

Mr. GUNDLOCK: Mine was particularly related to agriculture on page one.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on the first part of the brief, "origins and aims of the economic and development division"?

Mr. FANE: Might I ask Mr. Battle if he is finding that the self-help part is really working out? Are they accepting their responsibility to do things themselves and to continue to keep up interest?

Mr. BATTLE: Mr. Fane, this kind of thing varies, of course, from one band to another. Generally speaking I believe that the bands particularly in the southern part of the country are using the information and are accepting responsibility. There are exceptions to this rule, of course. But in other cases there are bands which are not progressing as rapidly as they might in accepting responsibility. But I think it is simply a matter that we have to be careful that we do not proceed at a pace which is too rapid for them to keep up with.

Mr. FANE: It is universal, I presume, among the bands, that certain individuals progress much faster than the rest of the band?

Mr. BATTLE: That is correct.

Mr. HENDERSON: We might say that the bands in the northern part of British Columbia and Alberta are not progressing.

Mr. BATTLE: I am talking about agriculture.

Mr. HENDERSON: Yes, that is what I am talking about too.

Mr. FANE: I had an inquiry from my reserve about certain members who found that farming according to modern skills and tractors and so on was getting to be a difficult thing. They wanted to go back to the way of doing things with horses, and with horse-drawn machinery. What is your attitude towards that?

Mr. BATTLE: This came up in a discussion we had at our agricultural conference in Alberta. Several of the Indians suggested that agriculture was getting to be a little bit out of hand because of the technological advances and so on, and that it was progressing at such a rate that the Indians could not keep pace with it.

It was felt that it might be much easier and simpler if they were to go back to horses and to horse-drawn vehicles and implements. But generally speaking, it was the view of the delegates that this would be a turning back of the clock and that not too much would be achieved by it.

There is also this aspect that it is becoming difficult to buy horse-drawn implements.

Mr. FANE: It is impossible!

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on agriculture?

Mr. GUNDLOCK: On page 2 there is a reference to thirty-seven herds. What size are those?

Mr. BATTLE: These average about ten head each, but we have put out some herds as high as fifteen head.

— Senator SMITH: Is that program only in its second season?

Mr. BATTLE: Yes.

Senator SMITH: So it is pretty hard to assess just how successful it is. Is there an indication that the parties who go into this maintain their interest? Does it bear out the suggestion here that generally they are more interested in cattle raising and stock than in grain farming?

Mr. BATTLE: Definitely it does bear out a great interest in livestock production. I think this is pretty common among the Indian people. In their traditional culture they were more accustomed to sporadic efforts. When they went out on the hunt they would work very hard for a short period of time. They can relate this livestock raising, but when it gets down to agriculture and grain farming where they have to do things right on time it is more difficult. Even there, however, there are quite a number of Indians who are really making progress.

Mr. GUNDLOCK: In relation to the reference to the sizeable expansion in the year 1961, is that in numbers or herds?

Mr. BATTLE: Both in numbers and the amount of money appropriated, as well as the size of the herds.

The JOINT CHAIRMAN (*Senator Gladstone*): Does this apply to the northern Indian or to any Indian reserve? I am thinking of these herds.

Mr. BATTLE: It will apply to any reserve.

The JOINT CHAIRMAN (*Senator Gladstone*): This scheme is something new to us in the south.

Mr. CHARLTON: Are any of these herds on a band basis or are they mostly on an individual basis.

Mr. BATTLE: We have several herds on a band basis, particularly at the Pequis and Fisher river reserves in Manitoba. Of course, there are a number of band herds which have been established in different parts of the country in which the operation is financed by band funds, such as the Blood band herd.

Senator INMAN: How is the herd allotted? How do you chose?

Mr. BATTLE: First of all we expect an application from the individual concerned in which he sets out a plan of operations. We do not care in what form it is presented so long as it indicates he is doing some thinking. He has to indicate that he is prepared to put up feed for these cattle, build corrals and provide a water supply. At the same time the band council itself is consulted and the advice of the council obtained. When all this is submitted we then give consideration to it. We also consult the district agriculturalist in the area to make sure that the area is suited to livestock production.

Mr. THOMAS: How are these herds purchased? Who does the purchasing?

Mr. BATTLE: Actually they are purchased locally either at sales or by going out and purchasing them from individual farmers. We try to purchase cattle with calves at the heel so that the person who receives the herd will have income as quickly as possible.

Mr. THOMAS: Not all the members of the staff on the reserves would be capable of choosing the proper livestock for such a foundation herd. What precautions are taken to see that suitable livestock is purchased?

Mr. BATTLE: So far as it is possible to do so we have them checked by district agriculturalists. This is not always possible.

Mr. THOMAS: I know that years ago—and I say this advisedly that I am not familiar with what went on on Indian reserves years ago except from a very superficial point of view as an interested citizen in the community; but I have found out, since becoming more familiar with the work which is being carried on, that there have been agriculture farm instructors maintained at the various agencies throughout the country. Now my present understanding is that these people who once were known as farm instructors are gradually being integrated into staff and other capacities and that the position of farm instructor has been pretty well washed out. Would you say that is true and if so why?

Mr. BATTLE: There still are quite a number of assistants who perform the duties of farm instructor; they are classed as Assistants, Indian Agency. I do not think I could say to what extent there has been a change in their duties throughout the country. I do know that in the area with which I am most familiar there still are quite a number of assistants who give a great deal of time to farm instruction, and when they are selected their knowledge of farming practices is a very important part of the qualifications we require.

Mr. THOMAS: I know that some years ago the practice was to hire or engage a local farmer from the community, a practical farmer. His whole time was devoted solely to the encouragement of agricultural pursuits on these reservations in the best way that he could. I do not know how much financial assistance he has at his disposal. It was in the days of the horsedrawn equipment. It was his job to encourage agriculture on the reservation. Now I understand you say that these people have been taken on as assistant superintendents. They no longer are farm instructors and their duties have changed. The position of farm instructor has almost been abolished. I do not know whether that is good or bad; I admit conditions differ on nearly every reservation. It seems to me, however, that there still might be a place for a practical farmer who has the right psychological outlook on these questions and who would encourage the Indians and guide the Indians in agricultural matters.

Mr. CHARLTON: Is it not true that many of your superintendents are now graduates of agricultural colleges?

Mr. BATTLE: Although I do not know how many are graduates, a number are.

There is still a need in some areas for a person to give practical instruction in agriculture. We have to be careful about this, of course, because there is a tendency to perpetuate attitudes of dependency because this person happens to be there. In other words, the Indian farmer, rather than making up his own mind, comes to depend on that person to make it up for him. This is the thing we have to guard against. However, I do agree that there are still places in Canada where farming instructors might be used. As to whether this might possibly be arranged on a short-term basis or a seasonal basis, I do not know. We do have to give some consideration to it.

The JOINT CHAIRMAN (*Senator Gladstone*): In regard to the policy of bringing men down from the north to assist the farmers there, it has been proven that they, themselves, in some instances lack the proper knowledge and that we, in turn, have had to almost teach them. That seems to some of us to be the case.

Mr. BATTLE: This possibly has happened, but I do not think it is deliberately planned.

Mr. CHARLTON: Do you not also get very good cooperation from provincial departments of agriculture by way of extension services?

Mr. BATTLE: Yes. In an increasing way, this is a growing thing.

Mr. Chairman, if I may interject here, although the rotating herd plan, as it is now operating, has only been in effect for a couple of years, livestock have been issued to Indians over many years in varying numbers. However, usually these numbers were not large and, as a result of discussions that we had with the Indians, in various parts of the prairies, particularly, we came to the conclusion that in order to get an Indian into production as quickly as possible so that he could live from the return from his herd, that the numbers issued should be larger at the beginning. But, the issuing of cattle has been carried on for many years.

Mr. THOMAS: It even goes back to some of these old agreements, where cows were assigned to each band, and so on.

Mr. GUNDLOCK: Mr. Chairman, I may be ahead of myself again, but I think this is rather a unique problem. It concerns the Blood reservation again, and has particular reference to the discussion we had last year regarding a certain agreement, as you will recall, Mr. Battle, in connection with irrigation rights. A certain period—and I believe it was 11 years—was involved, and, if the program was not developed within that time, it would no longer be in effect. Would you care to say something about that? I am wondering if something

should not be definitely done about that. It may be included in this economic development plan, but I would like to ascertain that that particular agreement is really being looked after so as not to lose that resource for that particular reservation.

Mr. BATTLE: I can assure you it is being watched very closely. Meetings were held with the deputy minister of agriculture for Alberta, and there has been an exchange of correspondence between our minister and the Minister of Agriculture. They have agreed that the ten-year period during which the water right would be available would date from the time the water is available in the canal. Now, it is my understanding that the water is not yet available in the canal.

The second request that was put to the Minister of Agriculture for Alberta was that if the Indians would so choose, they could lease this area to non-Indians so that they could have the irrigation works developed at the expense of the lessees. However, we have not succeeded in getting Mr. Halmrast to go along with this, although he has not definitely given us a negative reply. This is something that has to be explored further. In the meantime, the examination of the resource with respect to the development of a feasible plan of irrigation is part and parcel of the economic survey that is going on. P.F.R.A. will be starting that this summer, in order to determine what acreage can be irrigated and the approximate cost of the irrigation.

Mr. GUNDLOCK: Well, in the light of what Mr. Battle said earlier about certain tendencies of the Indians, I would point out that some of these specialized occupations were a little harder to develop, and I would like to emphasize or ask that this be given a very special consideration because it is a very valuable asset to that particular reservation. Will it be adequately cared for in the survey, or does it actually need a very special, intensified program?

Mr. BATTLE: I do not know that I can go much further at the moment, Mr. Gundlock.

Senator SMITH: In connection with the promotion of interest in the stock business, are they taking part in 4-H or similar programs? I know there are youngsters—boys and girls interested in this, and there is a great work being done in these areas, among the rank and file. There are 4-H clubs and calf-breeding projects, and that sort of thing. Is there any difficulty in obtaining the kind of assistance and the kind of stock for these contests for the Indian youngsters, or are they interested?

Mr. BATTLE: 4-H clubs exist on a number of reserves in western Canada. I could not venture to say how many there are, but there is an interest. Our staff and the band councils are trying to kindle this and to keep it going. 4-H clubs are also the subject of special projects in the schools. It is simply a matter of providing motivation here, and this is what we are attempting to do.

Mr. BADANAI: I should like to ask if any fur farms have been operated by Indians? I wonder if any have been operated by individuals or by bands?

Mr. BATTLE: So far as I am aware, the only fur farms started by Indians have been started this year, in a very small way. We had two applications for revolving fund loans to assist Indians to get established in fur farming. These were from Saskatchewan. Aside from that, Mr. Badanai, I really cannot tell you any more.

Mr. BADANAI: Would an individual be considered? If an individual made application, would he be considered by the department for assistance in starting a fur farm within his reserve?

Mr. BATTLE: That is correct, sir.

Mr. BADANAI: I think that with the depletion of wild fur animals, fur farming should be a very productive activity for Indians to engage in. I believe the department should give encouragement through that form of assistance.

The JOINT CHAIRMAN (*Mr. Grenier*): On page three of the brief you say:

Indians worthy of assistance should have access to suitable credit resources administered on a sound businesslike basis.

Would you indicate to the committee what you mean by saying that? I know they cannot mortgage their property, like others, to get credit.

Mr. BATTLE: Our concern here is to ensure that Indians have access to a source of credit which will provide them with funds on a long-term basis, because agriculture is a very expensive undertaking these days. One needs many thousands of dollars to buy the right kind of equipment. What we had in mind, of course, was an amendment to section 88 of the act, to make it possible for an Indian to put up his personal property as security. Again, the only other alternative we can see at the moment is to make it possible to lend money to bands so that they, in turn, may lend to individuals. In the brief we have suggested how this might be done.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on agriculture? If not we shall go on to the next section of the brief which deals with wildlife and fisheries.

Mr. BATTLE: At this point, Mr. Chairman, with your permission I would like to introduce the general supervisor of the wildlife and fisheries, Mr. Hugh Conn.

The JOINT CHAIRMAN (*Mr. Grenier*): I think it would be better to go through the brief and call on Mr. Conn, today if possible, or to-morrow. I believe some members of the committee have other questions to ask Mr. Conn, mainly on treaties. A number of members have expressed their desire to get more explanations in regard to the treaties.

Mr. CHARLTON: Then, Mr. Chairman, are you going to escape this part of the brief?

Mr. BATTLE: I am only suggesting this course because Mr. Conn has much more technical competence in the field of wildlife and fisheries than I.

The JOINT CHAIRMAN (*Mr. Grenier*): Is that agreeable to the committee? Then we shall call Mr. Conn.

Mr. CHARLTON: I understand you have one mink farm set up, or in the process of being set up. Is that an individual or a band?

Mr. H. CONN (*General Superintendent of Wildlife and Fisheries*): I understand it is an individual farm. The first revolving fund loan was approved just the other day for a mink farm. In that connection I should mention that the branch has been approaching this question with considerable caution, and we have suggested that Indians who wish to start in this business might first obtain some practical experience by working for established ranchers. You will understand that in mink farming particularly there are problems of genetics in keeping abreast and maintaining the best type of breeding stock. It is certainly a risky venture if one does not know the business well.

Mr. CHARLTON: Where is this located?

Mr. BATTLE: At Meadow Lake, Saskatchewan.

Mr. CHARLTON: Are there any other mink farms in that particular district?

Mr. CONN: Yes, there are other mink farms in that particular district, operated by non-Indians. These men who have applied for loans have served an apprenticeship with established ranchers.

Mr. CHARLTON: Then this man knows the difficulties, or at least should.

Mr. CONN: He knows some of them.

Mr. CHARLTON: What about fur animals living in their natural state on reserves? Is that scheme proving fairly successful?

Mr. CONN: Yes. The program which was undertaken in cooperation with the various provinces some time ago, and of which I had the honour to inform the previous committee on Indian affairs, has continued to progress very well indeed in terms of production but, as Mr. Battle has mentioned, the price of fur has fallen in relation to the commodity market. The results, in terms of income to Indians, were not what we had anticipated at one time.

By way of illustrations of increased production, perhaps I should give you a few quick figures. In Ontario the production of beavers rose from 47,000, when we started the program, to 146,000 last year. The Quebec fur preserve areas, which we were re-stocking when I spoke to the previous committee, are now producing over 20,000 beaver pelts a year. Similarly, Saskatchewan has come from 1,500 to 50,000 beaver pelts a year so that, in terms of increased production, these projects have made tremendous progress.

Mr. CHARLTON: Was the increased production responsible for the drop in prices?

Mr. CONN: I imagine it could have been a contributing factor, although world demand is still good.

Mr. CHARLTON: For beaver pelts?

Mr. CONN: That is right. From a long term dollar viewpoint the fur market is now at average levels. It is just that the commodity market has increased. Any rise in fur prices or lowering of commodity prices would benefit Indians very greatly.

Mr. CHARLTON: Are there any bands which go in for intensive breeding of muskrats?

Mr. CONN: Yes, the Sipanak project in Saskatchewan, which is one of the branch projects, is going for a record crop this year of 75,000. The Summerberry in Manitoba will be, to a large extent, wiped out by the Grand Rapids power development project.

Senator INMAN: What about fox?

Mr. CONN: Foxes are coming back in price very slightly. Last year and this year they have advanced sufficiently to pay for trapping and skinning. The Arctic foxes are, of course, a good price.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on this wildlife and fisheries?

Mr. GUNDLOCK: I understand we might be able to have Mr. Conn here tomorrow. I have a particular question to ask him. I would have to refer to the minutes of the meeting at the time when we had a delegation from Saskatchewan. Can we put that over until tomorrow?

The JOINT CHAIRMAN (*Mr. Grenier*): We could do it today.

Mr. GUNDLOCK: I do not have the minutes here, and I have not got the exact question. Can we put it over until tomorrow if it is permissible?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes. The next question is on fur rehabilitation.

Mr. CHARLTON: I have a further question on page 4: "formal agreements in fur rehabilitation and management are now in effect with two provinces, Manitoba and Saskatchewan". How about other provinces?

Mr. CONN: No, we have no other formal agreements. We have a very good working arrangement with most of the other provinces where the program is developed in terms of an over-all program with the two departments—that is the provincial department and our own—sharing the costs by each assuming a different responsibility or a different part of the program. The choice is mostly a matter for the provincial administration. For those who wish to have a formal agreement, the department of course is prepared to consider one. The other type of arrangement is perhaps not quite as effective as the formal agreement, but nevertheless it does accomplish some results.

Mr. CHARLTON: Do you have difficulty in getting these areas restricted to Indian trappers and fishermen by the provincial governments?

Mr. CONN: It is not necessary under this type of agreement to segregate Indians from the other trappers. When we go into a development program of this type, the rule of prior use and occupation is applied—the person who is occupying and using the ground is the one who is entitled to registration or the first chance at registration, and since Indians have, particularly in the isolated areas where we do most of our work, occupied the grounds from time immemorial, there is always room for them—they always get their full registration rights. In the northern part of Ontario, for instance in the Patricia area, north of the track, the trapping fraternity is 90 per cent Indian. Between the Canadian National and Canadian Pacific it is about 50-50. When you get down closer to the non-Indian population, the industrial areas, then you have more non-Indian trappers.

Mr. CHARLTON: That is on the natural trap lines, but what about the ones where you have gone in and tried to develop these agreements with provinces—is that not restricted to Indian people?

Mr. CONN: No, we have not undertaken any muskrat development projects where funds have been spent on new structures, building dams and dykes where the project has been reserved exclusively for the Indian. For instance in the Summerberry area in Manitoba, about 60 per cent were non-Indian in these projects. The costs were split on that basis. More recently, as the trapping population was cut down on account of decreased production in that particular area, the proportion of Indians rose, but even now it is about 50-50. I am talking now about treaty Indians and metis. They are about 50-50; they are all native people of course.

Mr. CHARLTON: You just pay the proportion of the treaty Indians as against the metis from federal funds?

Mr. CONN: Yes; for example in Saskatchewan the proportion was 60 to 40, with the department paying 60 per cent and the province paying 40 per cent on behalf of the metis.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any questions on fur rehabilitation? The next subject is on page 5—game management. The next one is on fishing.

Mr. CHARLTON: Mr. Conn, you have some cooperatives now, have you not, in fishing?

Mr. CONN: About the only really formal cooperative is at Meadow Lake, Pelican Narrows in Saskatchewan where the Indians have joined together and become members of the Saskatchewan federation of commercial fisheries—fisheries cooperatives—but in addition a large proportion of cooperative

membership in Saskatchewan is Indian. As a matter of fact, although they do not go by the formal name, every one of these fishery projects and fur projects undertaken by the department are on a cooperative basis—that is they are co-operatives in the sense of sharing the profits, sharing the benefits, and all working together to a common end. But the question of formal cooperatives, no, there are just one or two instances of exclusively Indian cooperatives or predominantly Indian cooperatives. As I say, the Indian membership in other cooperatives is quite good where they have the opportunity to join.

Mr. BADANAI: I understand that there is a fish processing plant in the Sioux Lookout area operated by Indians. Do you know anything about that?

Mr. CONN: They are not exactly a fish processing plant operated by Indians, but many commercial fisheries are operated at the lake level by Indians where modern packing sheds and supplies of ice had been put up to produce a quality product for the buyer at the lake level.

Mr. BADANAI: Has the department given any consideration to encourage the establishment of fish processing plants in or near Indian reserves where Indian people could obtain employment or create employment for themselves?

Mr. CONN: Yes, sir, the plant you have heard of in that area may be the one operated by the Northland Fish at Island Lake in Manitoba, but this is not operated by Indians. Indians are almost exclusively employed in the plant, both as fishermen and processors; but the plant itself is operated by a private company.

Mr. BADANAI: There are no fish processing plants operated by Indians in Canada?

Mr. CONN: No. To answer the direct question: with regard to encouraging the establishment of such plants, the department is at the moment giving very serious consideration to advertising the production of Indian fisheries in the Patricia area and entering into a contract—five-year contract—with a company which will build the necessary processing plant to C.G.S.B. Standards, and process the fish at the lake. Experience has shown that this is the future of the lake fishing industry, that it does not pay to haul the heads and fins and offal at a cost of 10 cents per pound for air freight, and then throw it away when you have got it to the plant. Therefore, the future is to get the plant out—out in the country.

Mr. BADANAI: That is the answer to it.

Mr. CONN: A contributing factor here is also the fact that the modern housewife wants a package that she can take home ready to cook. She does not want to wrestle with white fish in the sink for half an hour before she gets it into the frying pan. They demand this and they are going to get it. Since these heads and stuff must be discarded before going on the market, it is much better to put the plants into the country and discard the offal there, in a place where it can at least be used for dog food. That is better than paying 10 cents air freight and then throwing it away.

The JOINT CHAIRMAN (*Mr. Grenier*): Thank you Mr. Conn. We will call Mr. Battle again, now for the last part of the brief—Part IV, Indian Employment Placement Program.

Mr. GUNDLOCK: If I may, I would like to commend the department for their assistance in employment placement. In my area, around Lethbridge, there has been a call for 1,600. They are particularly employed in the sugar

beet fields of Alberta and the department should be commended for their assistance in this problem, because it is not an easy one to assemble 1,600 people from several provinces across Canada. The question in the light of this fact would be the establishment of centres, and I wonder why Lethbridge is not included. Incidentally, it is not only seasonal employment. I notice throughout the area that some of these people have come for the season, a short season, and have remained over more and more each year. I wonder if it would be a good idea to have a placement officer near that area which uses such a large number.

Mr. BATTLE: We have been fairly fortunate in the way we have been treated with respect to staff under the program we have for this year. These jobs are now advertised and in process of being filled. Lethbridge has a place in our plans for the future. It is one of the centres we want to serve, naturally. Just when this will be, Mr. Gundlock, I am afraid I cannot say at the present time. It may well be that the survey that is to be conducted on this reserve itself will bear out the need for a placement officer at Lethbridge, but which is fairly obvious now.

Mr. GUNDLOCK: Would you say what centre serves that at the moment? Is it Edmonton?

Mr. BATTLE: Edmonton—but this year we will have a placement officer at Calgary which will bring service a little closer to the area in question.

The JOINT CHAIRMAN (*Senator Gladstone*): Would you have the number of placements which you have made in Alberta since the placement officer has been established?

Mr. BATTLE: Yes, I have that information. I have the total for Canada which is 785 to date. These were permanent placements, of course. As regards rural and seasonal placements in Alberta, from April 1957 to February 28, 1961, the number was 2,827; and the permanent placements were 78.

The JOINT CHAIRMAN (*Senator Gladstone*): Do you have any figures as to the number of reserves on which there were works projects from the Minister of Labour?

Mr. BATTLE: I do not have those figures, but we could get them quite readily.

The JOINT CHAIRMAN (*Senator Gladstone*): I am just wondering how many chanced to get on the winter works project under the estimates of the Minister of Labour.

Mr. BATTLE: We could get that information.

Mr. GUNDLOCK: I do not think it would be out of line to have a word by way of compliment to the Indian people in connection with the matter just brought up a moment ago, about this employment. This has occurred particularly during a time when there was supposed to be so much unemployment. The Indian population across four provinces have risen and filled this gap. They formed a very necessary employment force in that area. I think it would be well to compliment them. They have done a tremendous job, a very good job. From all that I can gather, the work they did was highly satisfactory. Some of them who were out-of-province people have remained in the province in various jobs, and have proved very satisfactory. I think a compliment is due to them on the whole job they have done.

The JOINT CHAIRMAN (*Senator Gladstone*): In asking for some figures, I may say that some reserves have asked me why they did not have an opportunity to do works, hauling gravel for school roads and roads used for sending children to school. In that capacity none of them were given an opportunity to haul this gravel.

Mr. BATTLE: I do not know the particular circumstances prevailing at the moment with the Blood reserve, but certainly it is the practice of the branch to give preference to Indians on any works projects that develop on reserves.

The JOINT CHAIRMAN (*Senator Gladstone*): This is not applying to the Blood reserve only, but to others, including that at Saddle Lake. They were inquiring why they did not have an opportunity of doing that sort of work.

Mr. BATTLE: Certainly, it is the policy of the branch to give preference to Indians in works projects on Reserves. The contracts that are entered into and handled by our department and by the Department of Public Works make provision for this kind of local preference. However, I realize that that does not quite answer your question.

The JOINT CHAIRMAN (*Senator Gladstone*): I thought I would ask the question because I was wondering myself why this was so.

The JOINT CHAIRMAN (*Mr. Grenier*): To clarify the situation may I ask Senator Gladstone if he is referring to municipal projects?

The JOINT CHAIRMAN (*Senator Gladstone*): No.

The JOINT CHAIRMAN (*Mr. Grenier*): Possibly you are referring to municipalities under the winter works program?

The JOINT CHAIRMAN (*Senator Gladstone*): I do not know what department would handle it, but I know it was available to Indians; I mean any works project that was set apart was open to Indians to be in on it.

Mr. BATTLE: In response to Senator Gladstone's question about the winter works incentive program, I have some information here which applies to the situation across the country.

Under the winter works incentive program of the federal Department of Labour, 51 projects had been approved as of March 1, 1961, estimated to provide work for 724 Indians. The cost, shared by band funds and the federal government, was \$271,000, most of which was for wages.

In addition to that, there were two other programs, one of which was sponsored by the Indian affairs branch. Then, 133 projects were undertaken across Canada involving some 127 Indian bands and employing approximately 1,560 Indians.

These were financed by a special appropriation of \$250,000 and a contribution of \$26,790 from various band funds.

And the branch also accelerated some of its regular works programs so that they were undertaken during the winter. This involved 185 projects, involving a cost of \$804,500, most of which was for the Indian labour cost.

The JOINT CHAIRMAN (*Senator Gladstone*): That was supplied by band funds.

Mr. BATTLE: The band funds were only for the winter works incentive program which provided jobs for 724 Indians and covered 51 projects. The last figure quoted is for Canada as a whole, as of March 1st.

The JOINT CHAIRMAN (*Senator Gladstone*): The fund was supplied by the band?

Mr. BATTLE: Fifty per cent of the winter incentive program was supplied by the band.

Mr. CHARLTON: At the bottom of page seven, the second sentence in the last paragraph reads as follows:

This kind of work, often seasonal or short term, is usually found in the extractive industries and large construction projects in frontier areas.

Just what industries do you mean?

Mr. BATTLE: Mining industries.

Mr. CHARLTON: Why would they be seasonal?

Mr. BATTLE: There are clearing projects cutting lines and other types of surface work.

Mr. CHARLTON: But not actually working in the mine.

Mr. BATTLE: No. That would be considered as permanent employment.

Mr. CHARLTON: I wondered why mining was included. I assume that mining would be part of the extractive industry, and I could not see why that would be a part-time job.

Mr. BATTLE: Some of the work in mining is done at the surface level, and this is very often seasonal. The underground work is permanent. There are Indians who are employed there.

Mr. CHARLTON: Surely many Indians are working in the mines on a permanent basis.

Mr. BATTLE: Yes, that is correct.

Mr. CHARLTON: On page eight I assume that in some of the mining camps you are moving complete families into company built houses? Was there not some trend in that regard a couple of years ago?

Mr. BATTLE: That is right, at Pickle Crow particularly.

Mr. CHARLTON: Were not whole families moved into houses built by the company, and they had permanent employment there?

Mr. BATTLE: That is right.

Mr. CHARLTON: Were you having some difficulty with companies not complying with respect to the employment of a social service worker?

Mr. BATTLE: I do not recall this myself, but it may have been the case. This movement to Pickle Crow was before my time at headquarters. The mention of social workers here primarily deals with relocation of families to urban centers and the necessity for social work services, which I am sure, you quite realize.

Mr. CHARLTON: That would be considered, would it not, in the case of a big mine with quite a number of houses? It could be considered to be an urban development?

Mr. BATTLE: It could be.

Mr. GUNDLOCK: On page eight, in the second paragraph you speak about vocational training programs. I would like to ask Mr. Battle if he expects that with the recent incentive to vocational and technical training that has financial assistance from the federal government—should it not fit in particularly with this particular problem or program? Or are you looking forward to using it at

all, or integrating it at all? Do you get what I mean? I am referring to vocational training aid, which, in my opinion, should fit in very well, and most particularly with the Indian population.

Mr. BATTLE: Of course, this again is beyond my competence. This is in the field of education. But there is no need for any Indian person to be denied vocational training, because it can be made available to him without much difficulty, provided he has the academic background to qualify for the courses offered by the various vocational institutes.

Mr. GUNDLOCK: You say that the branch has organized a special up-grad-ing of vocational training programs. I am wondering about it. It may be that a special look should be taken at training programs in the area. I mean that it would alleviate or take some of the pressure off you.

Mr. BATTLE: Yes, I agree.

Mr. CHARLTON: I suggest this would be a good point to break off, because it is nearly 5:30.

The JOINT CHAIRMAN (*Mr. Grenier*): We shall meet to-morrow afternoon at 2:30 in room 176-F.

EVIDENCE

WEDNESDAY, May 10, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): We now have a quorum and shall open our meeting.

Will Mr. Battle come forward, please, When we adjourned yesterday we were at page 8 of the brief. I believe we had covered part IV and are now on part V which deals with miscellaneous activities. The first one is sawmills. Are there any questions on this?

Mr. McQUILLAN: What is the distribution of these sawmills, by provinces?

Mr. R. F. BATTLE (*Chief, Economic Development Division, Indian Affairs Branch*): You understand these are small sawmills.

Mr. McQUILLAN: Yes.

Mr. BATTLE: There is one in the maritimes, two in Quebec, fifteen in Ontario, ten in Manitoba, five in Saskatchewan, three in Alberta, four in the Mackenzie district and eight in British Columbia.

Mr. McQUILLAN: What would be the largest capacity of any individual mill?

Mr. BATTLE: I am sorry, I really could not say. They are, however, small mills, primarily used to produce lumber for housing purposes.

Mr. CHARLTON: For their own use?

Mr. BATTLE: Yes.

Mr. CHARLTON: Is the lumber being cut to be sold commercially?

Mr. BATTLE: Not commercially. What they are occasionally doing is supplying lumber to other bands also for housing purposes.

Senator SMITH: In regard to these thirty-three which are financed by the division, is it just a matter of the division financing the capital investment in the mill? There is no responsibility in connection with the operation, beyond the ownership or the furnishing of the equipment for the mill itself?

Mr. BATTLE: We become involved in maintenance to a degree; that is, the cost of operation. This again, however, by internal arrangement is recovered from the welfare division which uses the lumber to build houses for the Indians.

Senator SMITH: Are these operations taking care of themselves or are they absorbed in the cost of the lumber?

Mr. BATTLE: I think they are absorbed in the cost of the lumber.

Mr. McQUILLAN: What would be the capital cost of one of these mills? I am speaking of an average mill.

Mr. BATTLE: I would say around \$2,000, so you can see they are quite small.

Mr. McQUILLAN: That is just a whip saw. They are not very efficient mills, then.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject under this heading is handycraft.

Senator SMITH: Mr. Chairman, how are these products marketed? Is it done individually by the bands or is there any co-operative selling arrangement? Is there any central body, office or agency which deals with prospective purchasers of material which might be sold in the tourist trade; or it is just on an individual basis?

Mr. BATTLE: The vast majority of it is sold on an individual basis. We have a warehouse in Ottawa here, where we accumulate handicraft articles from various reserves. These are sold through a commission agent in Toronto; but this represents a very small part of the total sales volume. The main sales volume is handled by the Indians themselves direct to the consumer.

There is a co-operative called the Gold Stream Indian co-operative which was formed primarily to market Cowichan sweaters.

Senator SMITH: Is that a British Columbia organization?

Mr. BATTLE: Yes.

Senator SMITH: What I am wondering about is, it is very annoying to note the inroads that are being made in this tourist souvenir business by products which come from Japan and elsewhere. It looks as though this is a natural outlet for many products which could be produced by our Indians. It seems to me there is a need for an organized marketing effort in order to really make the best of the opportunity. How far does the department go in encouraging that? Is there any source of information which marketers of such products could contact, or do they have to seek out a source of supply on a local basis?

Mr. BATTLE: They do approach us and we refer them to sources of supply. This is done quite regularly. We have no organized system of purchase and sales covering the whole country. So far we have not done this. However, at the present time we have a study going on into this whole situation.

Senator SMITH: So if a person interested in this trade wanted information and went to the department he would get information which would enable the seller and the buyer to get together.

Mr. BATTLE: Yes.

Senator STAMBAUGH: Does the department encourage among the Indians the making of moccasins and the natural products which the Indians might ordinarily make? In the Camsell hospital eight or ten years ago I know they used to make a lot of these things. It was highly encouraged and was part of the rehabilitation work. It seems, however, that the last few years there has been very little encouragement of this kind and they are not making nearly as many of these things as they did previously.

Mr. BATTLE: You realize, of course, that hides are in rather short supply?

Senator STAMBAUGH: I do, but I also realize that some of the hides which have been sent in have spoiled. I sent in a couple myself and they were not able to tan them.

Mr. BATTLE: We have an arrangement whereby we take up hides from the various reduction slaughterers in the national parks. These are supplied to the Indians in various parts of Canada. At the same time we also have arrangements with the various departments of lands and forests whereby if at any time hides are turned in to them they turn them over to us and we in turn give them to the Indians.

Senator STAMBAUGH: How about the R.C.M.P.? Would that not be a good source? It seems to me they are all over the country.

Mr. BATTLE: This is worth considering.

Mr. MCQUILLAN: Would you say that competition from artificial—I will not call them artifacts—Indian handicrafts really has any severe effect on the sale of Indian handicrafts; or is it that most of the imported items are sold at a price which people would pay because of the decreasing purchasing value of the dollar, and the Indian cannot afford to sell his in competition. Perhaps they do not make enough to make it worth while.

Mr. BATTLE: That is correct. There are quite a few. The Indians are producing these little curios, as well; however, they cannot produce them at

the prices that they are produced at in Hong Kong and Japan. This does create a problem. As far as the Indians are concerned, there is unfair competition in the curio line, but it does not affect the quality of the work which the Indians can produce.

Mr. McQUILLAN: Would there be any greater sale of Indian handicraft if there was no competition from outside sources? I ask this question, because it seems to me that tourists and travellers will buy something for 50 or 75 cents that has come from some other country, but they will not buy a \$2.50 or \$3.00 article which our Indians would produce.

Mr. BATTLE: That is correct.

Miss LAMARSH: Why would that be the case? No one seems to be able to compete with the Eskimo culture.

Mr. BATTLE: The tourists who are going to tourist camps are looking for little mementos or curios, and are not looking for quality products.

Miss LAMARSH: You said that hides were collected from all over. I would assume that this is at no cost to the Indians, or do you charge them?

Mr. BATTLE: It depends on the circumstances. Some of these hides are used for instructional purposes in the schools, and there is no charge for that. However, if they are supplied to those who are producing, there is a charge for that.

Miss LAMARSH: I just returned from the west coast last night, and I looked at the things the Queen Charlotte Indians were making, and these other souvenirs which were coming in from Japan, and every other place—totem poles, and that sort of thing—and it seemed to me that most of the articles were made from products which are free to the Indian. Most of the native work is wood carvings. You answered my colleague by saying they could not compete with prices offered by Japan. I do not quite understand this because, if their materials are free, it is just a matter of getting something for their labour, whereas in the Oriental markets, labour and material, and particularly wood materials, are in short supply and would have to be paid for. I do not see why an Indian craftsman could not compete.

Mr. BATTLE: We are receiving letters quite regularly from Indians asking that action be taken to prevent these imports from coming in, because they cannot compete with them. As a matter of fact, this whole matter is under study at the present time. We are attempting to discover just what can be done about this.

Mr. McQUILLAN: The point I was endeavouring to make is that there is a strong doubt in my mind that the Indian would sell any more handicrafts by virtue of shutting out imports.

As one of the members of the committee said a moment ago, Indian handicrafts are originals; they are made by hand, and, naturally, fairly expensive. It is only those who are interested in something that is an original and made by Indian craftsmen who would pay for it. However, the average tourist going through an auto camp might buy a little imitation totem for 50 cents, but he would not pay \$5 for an original. Do you feel that they really are cutting into the native Indian handicraft market?

Mr. BATTLE: Only to the extent that the Indians themselves are also producing these little curios.

Senator STAMBAUGH: Are the Indians having trouble getting rid of the products which they make? The reason I ask that question again is because I am fairly familiar with the Camsell people, and, if you want to get anything there, often you have to wait a long time, as they are picked up as fast as they make them. They have been making very superior articles of various

kinds, especially gloves and moccasins, and they sell them as fast as they can make them. I was wondering if the same situation existed all across Canada, or if it just happens to be that particular place.

Mr. BATTLE: Usually articles such as the ones you have mentioned do sell quite readily and quite easily. However, when you get into other kinds of production, such as baskets, and so on, these do not tend to sell as readily.

Senator STAMBAUGH: I can see that.

Miss LAMARSH: Is there anything equivalent to the Northern Affairs program with respect to Eskimo prints which have been displayed the last couple of years? Has your department tried to do anything of this nature, especially in so far as the west coast Indians are concerned?

Mr. BATTLE: As far as I am aware, we have not done anything in this line up until now. At the moment, we have a study going on and we hope, as a result of this study, to be able to plan our future part in handicrafts in Canada.

Mr. McQUILLAN: Something will have to be done very soon in connection with the west coast Indians, or they are going to lose their skills. One of the skills of the Queen Charlotte Indians has to do with these argillite totems, and I believe there is only one man left there now who is skilled in making these.

Miss LAMARSH: It would appear there there is a ready market for these wood carvings. I understand from the shops in Victoria and Vancouver they cannot keep them in stock. Mungo Martin is one of the few really creative artists left, and this man is in his eighties.

Mr. JONES: May I say something in this connection? Some years ago the department bought the last remaining quarry of argillite, which Mr. McQuillan mentioned, in Queen Charlotte Islands, to protect forever the raw materials needed for these totem poles. As Mr. McQuillan says, this skill seems to be dying out. We have attempted to have the few remaining older craftsmen teach this in our schools, and have said that they would be paid for doing so. We have tried to interest a lot of the younger men in this skill, but we have not been too successful. We are still endeavouring to see if we cannot influence them to retain for many years to come their traditional craftsmanship. There are not too many orders taken any more for argillite totem poles because they cannot make them fast enough. They can get almost any price for them that they wish. It is not too clear to us whether the older generation want to retain this art in their own hands, or whether the younger generation feels there isn't much of an economic future in it. We have not been too successful, but we are continuing our efforts to see if that skill cannot be retained by the Queen Charlotte Indians.

Miss LAMARSH: Does the department run a retail shop anywhere, to put these articles through?

Mr. BATTLE: No.

Mr. JONES: No, but we have co-operatives and a distribution center for eastern Canada, in Ottawa.

Miss LAMARSH: But there is nothing in western Canada?

Mr. JONES: No. Western Canada Indians pretty well sell their own products locally.

For the interest of the committee, I drove from Miami to St. Petersburg over the Tamiami trail during the holidays, and if any of you people have been on that trip you will remember the numbers of Seminole villages or replicas thereof that you pass. It was not too long before I stopped and took photographs and asked some questions. There is a sort of pattern. You have to pay to get through the store into the little stockade. There is a little trading

post for souvenirs. However, the impression that I went away with after visiting two or three of these was that very few of these souvenirs were home-made—what we call handicraft objects. They all seemed to be machine-made.

Senator STAMBAUGH: I had the same experience. One cannot find any real handicraft articles at all there; at least, I didn't see any.

Miss LAMARSH: I think it is rather astonishing, and perhaps the department should do something about it.

Last year, in Niagara Falls, there were two Indian villages set up, and there were supposed to be Indian things for sale there. Well, they may have been made in India, but I do not think they were made by Canadian Indians.

I noticed on the main street of Victoria yesterday two shops, and one of them sold nothing but Indian handicraft. I went in and checked, and they were all hand-made things. However, in places like the Empress Hotel and other shops, they handle Japanese copies of Indian craft. There should be special shops for Indian and Eskimo things, and I wonder if it would not be a good idea, at such places as airports, bus stations and train stations if there were co-operatives established, not just on the west coast or in the big centers, but a place where tourists can buy a souvenir of the locality. It was astonishing to me to find, in the C.P.R. hotel, that you could buy souvenirs of almost any place in Canada, but not one thing made in British Columbia.

Mr. McQUILLAN: I think there is a very obvious answer, that any store which is going to build up a trade must have a guaranteed supply and there is not a guaranteed supply. The craftsmen cannot compete in their earnings with industrial workmen in British Columbia. If he is successful, the Indian craftsman may probably make enough for bare existence, but the Indian industrial worker can make many times that.

Miss LAMARSH: If he had a job.

Mr. McQUILLAN: Most of them do not do too badly in that respect. They are all hoping to have jobs but they are not doing too badly.

Miss LAMARSH: I understand the unemployment figures are something like 18 per cent in British Columbia. From your information do you know whether the number of Indians who are not able to get jobs off their reserves would be higher or lower than the provincial average?

Mr. BATTLE: I could not say.

Miss LAMARSH: You do not know if there is greater unemployment among Indians, or less?

Mr. BATTLE: I could not say.

Miss LAMARSH: I have seen silk screen prints of Indian motifs done by a non-Indian, and they were much like the display put on by the northern affairs branch on the west coast.

Mr. JONES: I think one of the best examples of Indian ingenuity was the late Mr. Maurice Bastien of Quebec, a Lorretteville Indian, who seemed to sense the future in handicrafts. He organized a moccasin factory on an Indian reserve, bought machinery and started turning out high grade Indian moccasins. They were sold from coast to coast and in the summer resorts such as Banff and Jasper. He made a fortune out of it and he had about 40 Indians employed with him. Probably the chairman knows the factory to which I refer. He made a fortune out of using Indian skills with machinery. He also had a good sales organization, and Bastien moccasins are well known throughout Canada at all the leading resorts. As I say, he combined handicraft with modern production methods and the last I remember of him was that he had 40 Indians fully employed on his payroll. Certainly we shall welcome any suggestions which the committee may have to make on Indian handicrafts.

Miss LAMARSH: I understand there are such things as very special recipes, very secret Indian recipes, for clam chowder. Do you think that might be promoted through the use of freezing plants so that it might be tinned and sold?

Mr. McQUILLAN: I will make a better clam chowder of my own than any Indian on the Pacific coast.

Miss LAMARSH: Gourmet cooking is the coming thing and gourmet delicacies come in from all over the world. I do not see why we could not be sending out our west coast clam chowder or our east coast clam chowder.

The JOINT CHAIRMAN (*Mr. Grenier*): On page 10 of the brief you say:

Some instructional staff is also made available in a few schools and hospitals.

Have you any difficulty in recruiting such staff?

Mr. BATTLE: Not that I am aware of. This staff is employed by the educational division so I am not too familiar with it.

The JOINT CHAIRMAN (*Mr. Grenier*): I am asking the question because on a reserve in my constituency the instructor was removed last year. He had been there for a number of years and was looking after two reserves. Since last year there has been no instructor in Maria.

Mr. JONES: We can look into that, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions on this subject? The next portion of the brief deals with refrigerators.

Mr. BADANAI: What type of refrigerator is envisaged? Do you mean a refrigerator for an individual family or for a community? I assume it is cold storage facilities for a whole reserve.

Mr. BATTLE: It is cold storage facilities for a whole reserve or settlement—the walk-in type of refrigerator.

Mr. McQUILLAN: Are these set up in any particular place on the reserve, and do you supervise them?

Mr. BATTLE: Very often, Mr. McQuillan, they are in a settlement where there is a representative of the department staff. These are usually northern settlements and the R.C.M.P. may look after them or, if there are no R.C.M.P., then the chief of the band concerned. In as many cases as possible we try to get the chief of the band to look after the refrigerator.

Miss LAMARSH: You mean the department has been taking refrigerators to the coldest part of the country? I thought that was a joke, selling them in the northern part of the country.

Mr. MARTEL: We have summers in the northern parts too, and you can lose your fish and meat pretty quickly.

Mr. CHARLTON: Is this handled on an individual basis? If an Indian family brings in a deer or moose, that belongs to the family, or is it a community meat chest?

Mr. BATTLE: Unless they wish to share. It is quite common among Indian people to share, but the meat the family puts into the refrigerator is the family's.

The JOINT CHAIRMAN (*Mr. Grenier*): The next subject is cooperatives.

Miss LAMARSH: Why is it necessary to have very close supervision and careful management in a cooperative?

Mr. BATTLE: It has been our experience that cooperatives really do not last very long unless there is close supervision and good management.

Miss LAMARSH: A general Canadian experience.

Mr. BATTLE: Yes.

Miss LAMARSH: That happens with all cooperative movements.

Mr. CHARLTON: There are still plenty of cooperatives which are very efficient. I presume you have some among Indian people which are very efficient too?

Mr. BATTLE: Reasonably so, Doctor Charlton.

The JOINT CHAIRMAN (*Mr. Grenier*): The next portion of the brief deals with finance. Are there any questions?

Mr. MCQUILLAN: Do you think it is always an advantage that an Indian is protected against seizure of equipment, machinery and automobile purchases, while he is on the reserve? Do you not think the fact he is protected makes it much more difficult for him to make credit arrangements?

Mr. BATTLE: Actually he is not protected with respect to equipment that is sold under a conditional sales agreement.

Mr. MCQUILLAN: So long as the equipment is on the reserve, is he not protected?

Mr. BATTLE: If he purchased it under a conditional sale agreement the vendor has the right to go on and repossess but this does not extend, for example, to bank loans and loans under the Farm Improvement Act. My own personal opinion is that I do not think it is a good thing that an Indian's equipment is protected from seizure. I believe this restricts the amount of credit he can get. I also think it impedes the rate at which he learns to assume responsibility, but I only make this reference with respect to equipment and personal property. I would not go so far as to include real property.

Mr. MCQUILLAN: Have the act or regulations been amended to permit seizure of an automobile on a reserve?

Mr. BATTLE: That change was made in 1951, provided the automobile was sold under a conditional sale agreement.

Mr. MCQUILLAN: That applies to any equipment, any durable goods sold under a conditional sale agreement?

Mr. BATTLE: Yes, including farm machinery and household equipment. The experience we have had is that, as a result of the amendment, more Indians have accumulated desirable household goods and farm equipment.

Mr. MCQUILLAN: How would a creditor go about repossessing a piece of equipment? Is he not a trespasser on the reserve?

Mr. BATTLE: He really is not, under the act as it reads at present. I think we referred to that section in the brief.

The JOINT CHAIRMAN (*Mr. Grenier*): There is an addendum to the brief concerning those things. On the first page of the addendum I think there is some explanation on this.

Miss LAMARSH: Since we have been speaking about providing arts and crafts, do you know there was a collection made in Mozambique to be sent to American Indians—I presume to North American Indians—to revive the art of scalping? It was reported in the *Ottawa Journal* of April 3.

Mr. BATTLE: I read that.

Miss LAMARSH: This is not one of the arts you are trying to revive?

Mr. BATTLE: No.

Under 88(2) of the Indian Act, a person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve.

Mr. McQUILLAN: I do not recall any objection to the procedure if it is under the conditional sales agreement. Were there any recommendations made to the committee, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Grenier*): I do not know. While we are on the subject, if members of the committee wish to ask any questions on the addendum which concerns finance, please do.

Miss LAMARSH: Are Indians liable to be sued for things other than contracts, if they live on reserves?

Mr. BATTLE: I am not a lawyer, but my understanding is that they can be sued.

The JOINT CHAIRMAN (*Mr. Grenier*): If there are no other questions on this matter, the next one is research and surveys—part VII.

Miss LAMARSH: I wonder if I might ask this, Mr. Chairman. I have not had a chance to read all of this and the answer might lie in it, but is there any facility by which band councils may borrow money roughly equivalent to debentures of municipalities—long-term credit? Is there any proposal that the band itself should be able to borrow money in this case? I notice that in many of the submissions which officials of the department made, and some of the Indians themselves made, they equate the position of band councils with municipal councils. Has there been any thought or study in your department about this?

Mr. BATTLE: There has been some borrowing done to introduce rural electrification, but using band funds as a security for the loan. So far as I am aware, this is the only kind of borrowing that has been done.

Mr. JONES: If I might make a remark, Mr. Chairman, we will have some suggestions to make later on. The thing that will have to be established, in our viewpoint, is whether a band or a band council as a legal entity would be involved. That has been one of the stumbling blocks in the past, and the legal opinion that we have been receiving is that everything they do must be done through the superintendent general of Indian affairs.

Miss LAMARSH: It is easy enough to amend the act to provide this if they were.

Mr. JONES: We will be making some suggestions at the appropriate time to see if they can clarify the status of a band or a council, where they would be able to adopt more of a municipal role.

Miss LAMARSH: I assume they would not have too much of a problem with the roads or sewage, but what about water on the reserves?

Mr. JONES: There, again, that is something to which we pay a good deal of attention. Bands that have funds are expected to provide their own water facilities. When you get into systems, anything beyond an individual well, you are getting into something fairly expensive. Some bands have put in their own systems and are operating them entirely from band funds. In some areas we have come in on a fifty-fifty basis, particularly where the health of the Indians is really in danger due to a lot of contaminated wells.

Miss LAMARSH: You say they have some systems—how have they paid for this, by cash from band funds?

Mr. JONES: They use capital funds for it.

Miss LAMARSH: Then there is no question of credit involved?

Mr. JONES: No, they have just got approval for the expenditure and paid from the band funds.

Miss LAMARSH: Are we still on the addendum, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Miss LAMARSH: I have a question on finance. If Indian veterans participate in all benefits and they are in receipt of pensions and things of that kind, and if they are on a reserve where medical assistance and hospitalization are given free, are their pensions cut in any way?

Mr. BATTLE: Not that I am aware of it, but this would have to be checked.

Mr. JONES: I am afraid I was not listening very carefully.

Miss LAMARSH: If an Indian veteran lives on a reserve where the department provides them with medical assistance and hospitalization at no cost, and that veteran is in receipt of a pension or war veterans allowance, is that deducted by virtue of the fact that he is already getting free hospitalization?

Mr. JONES: I do not think that any rights that an Indian has or any benefits on a reserve—and I am speaking quite generally—would in any way reduce the value of war veterans pension that he would receive. I am not aware of any case where it has happened.

Mr. CHARLTON: There is no means test in war veterans pensions in any case.

Miss LAMARSH: They get hospitalization through military hospitals. They have services through the department and I wondered if this affected their pensions.

Mr. FANE: Only for something connected with disability for which they are pensionable.

Mr. CHARLTON: The war veterans allowance has the same effect on a reserve as off a reserve and it would be dealt with in the same way.

Miss LAMARSH: That is what I am asking.

Mr. JONES: Any means test would be taken in a very generous manner for what few amenities an Indian would get on the reserve. There is none that I know of that would affect the veterans pension.

Miss LAMARSH: If you are recommending that you lend money to bands who lend that money to individuals and if the band is not a legal or corporate entity, how does the band get it back from the individual Indian?

Mr. JONES: The band has control over the Indian's so-called ownership of a parcel of land. The difficulty is foreclosing on a piece of Indian property in case the Indian defaults on payment for a house. That is what we are trying to overcome in housing.

Miss LAMARSH: Yes, but supposing an Indian does not own any land but borrows money from the band council for something and does not pay it back. Is there any way they can force him to pay it back if they are not a legal entity.

Mr. JONES: They are a legal entity insofar as running their own affairs on the reserve is concerned.

Miss LAMARSH: But they would not have a right of recourse to the courts.

Mr. JONES: No, because the band have the overall recognized inherent interest in the land and the individual is a locatee under those conditions. It is a lifetime interest. It cannot be sold to anyone but a member of the band. It cannot be disposed of.

Miss LAMARSH: You are talking of realty, I guess.

Mr. JONES: Yes.

Miss LAMARSH: Supposing he borrows money for something that has nothing to do with realty, and he has no right to own any of this?

Mr. JONES: The band would have to allot to him, officially or unofficially, to build a home.

Miss LAMARSH: Do they have these young children living with parents in the home?

Mr. JONES: Yes.

Miss LAMARSH: Supposing a 22-year-old Indian borrows money from the band council for anything except for land, and he does not pay it back, are they able to do anything about it?

Mr. JONES: So far as I am aware all they could do is, in the case of any interest payments or any payments that would be made per capita to the band members, they could withhold his share. But that would not apply to treaty moneys, which are generally recognized as being sacred, and which can only be touched with the written approval of the Indian.

Miss LAMARSH: You said that the Indian may be sued. Is this also for contract? I understood they could not be sued, if they had no income and no personal goods liable to seizure.

Mr. JONES: The Indian can sue and be sued but, as you point out, there is some difficulty in collecting; so what is the purpose.

Miss LAMARSH: Then there is no point in suing.

Mr. JONES: That is so.

Mr. McQUILLAN: You make a recommendation and say you think it should be possible for the Indian to offer personal property as security for land if he so desires. Can that personal property be used as security for a loan from the band council? Would they have authority to attach that property?

Mr. BATTLE: When we made the suggestion we were not thinking of the band council as such. We were thinking of banks and outside agencies. We know now that Indians can borrow money from band funds if they have a band loan fund setup. This was not the problem. What we were attempting to do was to make it possible for them to borrow money from the same sources available to non-Indians.

Mr. McQUILLAN: And make it a little easier, also, for the band council to administer band funds, if that security were extended?

Mr. BATTLE: Yes.

Miss LAMARSH: With respect to research and survey, is this economist the first special individual who has been employed to make surveys?

Mr. BATTLE: Yes.

Miss LAMARSH: Do you employ people having skills other than economics to make a survey?

Mr. BATTLE: We have no one employed in the branch at the present time to undertake surveys.

Miss LAMARSH: Have you employed others in the past to do so?

Mr. BATTLE: Economic surveys?

Miss LAMARSH: Yes.

Mr. BATTLE: Of course, there was the study which was done in British Columbia which embodied an economic survey of the resources in British Columbia. However this is the first economist we have added to the economic development division for the purpose of undertaking economic surveys.

Miss LAMARSH: I suppose you will have more information after a while from him, about Indian unemployment. On page 12 you say that this is one of the things which he is studying.

Mr. BATTLE: That is correct. We realize, of course, that one economist—

Miss LAMARSH: —is not much.

Mr. BATTLE: One cannot do much in the way of developing surveys, but we hope to rely on the services of the provincial and federal government departments, and it is hoped that as time goes along we will form the nucleus of a survey section in our own division.

Miss LAMARSH: This one, the Blood reserve, when do you expect it to be ready?

Mr. BATTLE: We do not expect it to be complete for about two years. It gets under way this summer.

Mr. MCQUILLAN: What is proposed to be done after this assessment in regard to the opportunities existing off the reserve for Indians with adequate training?

Mr. BATTLE: The work begins then in attempting to place Indians in jobs, and in attempting to provide them with the skills they require for those particular jobs.

Mr. MCQUILLAN: How long do you think it will be before you have this assessment?

Mr. BATTLE: We are preparing labour force surveys at the present time in various parts of Canada. This work is being done by our placement officers as they can find the time to do it.

Mr. MCQUILLAN: You are working with the national employment service, are you?

Mr. BATTLE: That is correct.

Mr. MCQUILLAN: I come back to a pet subject of mine right now. On the coast of British Columbia there are two main types of employment available to Indians—fishing and forestry, particularly logging. It has always seemed to me that there was a great opportunity for the employment of Indians in the logging industry, provided the proper liaison could be established between the Indians available as a labour force, and the employer. There seems to be a vacuum there, and it still exists. Has anything been done to overcome that? You need not tell me that you are working with the national employment service, as I have not too much faith in that particular field. Is any effort being made to develop a close liaison between the Indian looking for work and the potential employer?

Mr. BATTLE: My understanding is that there was a labour force survey done in that particular area, and it indicated that there were about 50 young men who could take employment in logging. I also understand there is a company at the moment—I cannot think of the name of the company—which proposes to set up an operation on one of the reserves in that particular area, and it is hoped that some of these Indians will obtain jobs with that company. This is the stage it was at about a month ago, and I do not know what the current situation is. It may well be that the situation in that particular area will not really be solved properly until we have a placement officer working right there.

Mr. MCQUILLAN: I believe it would be worth the effort to have possibly several placement officers assigned to the coast of British Columbia. I know from my own experience that when a logging superintendent or foreman wants men, the easiest thing for him is to pick up a telephone or radiophone and call Vancouver employment office. There may be a settlement of Indians 25 or 30 miles away, but he has no contact with them, and does not know who is available. He calls the employment office and in a day or two some man comes from Vancouver who, probably, is not as well suited to the work as an Indian might be, who has been living on a reserve a few miles away. I think that through

this lack of contact some good opportunities are being missed. I hope that the department will do everything it possibly can to overcome that. There is potential employment there and perhaps some additional training for perhaps 1,500 to 2,000 of those Indians along the coast.

Mr. HENDERSON: The Indian has got to get down to earth and learn that he must stick if he is to succeed. That has been the big feeling with Indians. They are happy-go-lucky guys who work for two or three days and then move on. I have had lots of experience with Indians. As a rule, the Indian is not reliable, though you will find some really reliable guys among them. In the oil business they are not being hired any more, as they may be working today and gone tomorrow. They do not seem to want to stick at one job and they must learn to stick at it nowadays.

I was in the grocery store business, and the only money I ever lost was with Indians. Yet they were good fellows. I knew them personally. They did not mean to cheat me, but they just did not pay up. I am 70 years old. Like the senator here, we were together when we were young fellows at Fort Macleod. I was talking it over with him the other day. We had a wonderful chat. I knew lots of those fellows. Some of them were well off, for a while, but they just did not care. The Indian is a funny fellow.

Mr. CHARLTON: So are we.

Mr. HENDERSON: That is right. It is not we that we are trying to put on our feet, but rather the Indian fellows.

The JOINT CHAIRMAN (*Senator Gladstone*): Are we not all funny, at times?

Mr. HENDERSON: Yes, I guess you are right. I have a boy at Edson now. He is in the oil business. He is a superintendent for Fina. I am interested in Indians. There are a lot of Indians where we are. I said to my boy one time: "why do you not hire these young Indians?" and he said: "the head of the company says: do not bother with them any more". We have tried them at times, and on days when you want them, they are not there.

I met a fellow who ran a fair out there and worked all summer building race-tracks. He would have half a dozen Indians today, while in a couple of days he would not have any at all. And when the Indian came back, he did not feel that he had put him out, or anything. He just did not come back.

They are fine people. They can do the work all right, but they just do not have a sense of reliability. I was at Fort Nelson, and there was a smart fellow there, right on the ball, but he just was not too interested. There was a haying machine located about 100 or 200 miles away. Dennis Collison had the machinery. I said: "why not make a trip down there?" He said "Oh, let Dennis Collison have the haying machinery. I would like to have the engine, however, to move some toilets to be built." He was interested in a couple of toilets which did not amount to anything. So it is going to take a long time with the Indians.

Mr. MCQUILLAN: I do not think the Indians on the coast fall into that category.

Mr. FANE: No. It is not all their fault that they are like that. It is just because of the life that they led before they were cooped up in reserves. They have been cooped up on reserves and have not been able to be what they were for so many years, that at times it is a wonder that they are as good as they are.

Mr. HENDERSON: Yes, it may be you are right.

Mr. FANE: You have to give them all the understanding possible, because they have not been brought up to realize the necessity of responsibility, or for taking on responsibility.

Mr. HENDERSON: Time is running out, and the years are running on.

The JOINT CHAIRMAN (Mr. Grenier): I suggest we go back to questions for a while.

Mr. MCQUILLAN: How many placement officers does the department have?

Mr. BATTLE: We have ten placement officers, and we are recruiting four more this year, one at Prince George, another at Calgary, another at The Pas, and a fourth one at London.

Mr. MCQUILLAN: Do these placement officers make an effort to meet with industrial groups and associations?

Mr. BATTLE: Very much so.

Mr. MCQUILLAN: And discuss matters with them?

Mr. BATTLE: Yes, and with labour organizations, as well as carrying a case load. We have learned from experience that there is a limit a placement officer can carry in case loads. He can have about 50 cases on the string at any one time.

Mr. MCQUILLAN: Have any of them made any recommendation as to the setting up of some type of organization where an employer may contact them for labour requirements? Usually when someone wants a man, he wants him in a hurry. And if an Indian is available, and he can get him in a hurry, I think he would give him a fair break. But he will not wait a week.

Mr. BATTLE: I appreciate that. This kind of relationship is established in cities where they are moving along with a permanent placement program. This means placing selected candidates. Let us take Vancouver, as an example. The placement officer there is kept very busy simply placing graduates of various vocational schools. This can leave the man in a remote area without the kind of service that is necessary, but we hope in time, as we can get the positions to expand to these areas.

Mr. MCQUILLAN: Perhaps it would cost a little money, but it would be money well spent. I think it is being done now, but I do not know.

An employer may call the employment agency in Vancouver. The employment agency would refer him to the placement officer. The placement officer would tell him there was a man available to fill that position at such and such a village, or at such and such a reserve.

The placement officer would tell him to contact him. My point is this, that as an employer I am not going to spend extra money to try to employ an Indian or anybody else, for that matter.

Mr. STEFANSON: Under item seven, research and surveys, I agree with the program. But I was wondering if, after you make a survey and find a situation where you have a far greater population in the area than the surrounding conditions can support, if you have any plan to correct it? I think a very good example would be Norway House reservation today.

Mr. BATTLE: This could lead to relocation of course, and this is an area into which we have not attempted to move at the present time. We have been considering a number of such points in Canada where conditions are depressed. But until we can provide the kind of service that is necessary for relocation, it would be rather disastrous to make the move.

Mr. CHARLTON: Is that not what I mentioned yesterday in regard to mines? There are mine situations now where this has been done, as in new mining areas. I imagine one of them would be fairly close to Norway House. I am thinking of the Thompson mine. Is it not possible to move some of these people who are not employed around Norway House in to that camp?

Mr. BATTLE: Yes, provided they are prepared to move.

Mr. CHARLTON: I see in the booklet that the Caradoc reserve has an unemployment situation, according to this article. I suppose it is true. A specific example last year was where they had to import 130 women from Detroit to work at the Dresden canning factory. Dresden, I think, is closer to the Muncey reservation than it is to Detroit. And in addition there is the Moravian reserve.

Would it not be possible to get women from these reserves, who ordinarily like to work in canning factories when the opportunity arises, rather than to bring women in from Detroit?

Mr. BATTLE: Most definitely, I agree.

Mr. CHARLTON: I suggest that when your placement officer is put in London that he make a survey of that situation looking to next fall when the canning industry is at work, so that such a thing will not happen again.

Mr. BATTLE: I will definitely do this.

Miss LAMARSH: You are not suggesting that you would take people and physically move them to another place on a permanent basis?

Mr. BATTLE: Not against their wishes.

Miss LAMARSH: It did not seem to be satisfactory to people in Nova Scotia, when the royal commission suggested that they be moved to where there was work. If it was not acceptable to non-Indians I would suppose it would not be acceptable to Indians.

Mr. CHARLTON: I said to move them if they desired, not against their will, naturally.

Miss LAMARSH: The department is not in a position to guarantee a job to an Indian in Canada.

Mr. McQUILLAN: Is the government planning to increase its number of placement officers, or is it merely a question of funds?

Miss LAMARSH: They sought four more this year.

Mr. BATTLE: Yes, we are adding four this year.

Mr. JONES: I think I can answer that question in the affirmative. In relation to the other and increasing needs of the branch, we are paying more attention to placement services than to any other part of the branch.

Mr. STEFANSON: You refer to several studies which are being financed jointly by the department and the Ontario Department of Lands and Forests. Have you a similar arrangement with any other provincial government?

Mr. BATTLE: Not at the moment, but we hope to move in that direction. Our economist only joined our staff last fall, and we have him on the road already. He is making a trip west this month with a view to meeting with people from the University of Saskatchewan, which has a centre for community studies there, and with another group in British Columbia, and it is hoped that something may come from this. We have to look around for other resources. This kind of thing on which we have working with the Department of Lands and Forests is almost the ideal type of situation. This summer we are undertaking there a market price survey in respect to fish.

There is a social scientist doing an anthropological study of the same group of people and at the same time the department of lands and forests have their biologists in checking the lake to determine what the sustained production can be in this lake over a period of years. After all this information is accumulated we hope to be in a position to indicate the kind of installation which can go in there and the best way in which the fish can be marketed in order to bring the highest price to the producer.

Miss LAMARSH: Where is this?

Mr. BATTLE: In Trout lake in the Patricia district of northern Ontario.

Mr. STEFANSON: That sounds like very good cooperation.

Mr. CHARLTON: Mr. Battle, has there been a tendency on the part of the mining camps, for example, to try to cooperate with you in the employment of these people?

Mr. BATTLE: Definitely. The situation is improving right along.

Miss LAMARSH: There is a quotation in this booklet put out by the department entitled the Indian in transition. This is at page 20:

One Indian official put it bluntly when he told me: "you've got to forget about the middle-aged and older Indians. Their work patterns are set. You can help them with their fishing and trapping, logging and farming, but you can't change them—and I don't see why you should. But you can do a great deal to steer the younger ones into steady employment."

Do I take it that this is official policy of the branch? Is it the policy to concentrate on the young Indians and forget about the rest of them?

Mr. BATTLE: Not forget about the rest of them; we do not intend to forget about any of them.

Miss LAMARSH: I do not mean abandon them, but forget about them in any attempt to lead them into integration?

Mr. BATTLE: That depends, of course, on the degree of isolation in Canada. For example, in northern Ontario I do not think it would be reasonable to attempt to lead the older people into integration. On the other hand you have reserves like Caradoc and Sarcee which sometimes are close to cities and there is no reason why we could not be bringing along the middle-aged and older people there as well as the younger ones.

Mr. CHARLTON: I think it should be pointed out to Miss LaMarsh that this is not an official document of the department so far as policy is concerned. This is only a reprint from the Indian paper, the *Beaver*. The articles were such that the department thought they were worth reprinting. This is a statement of one individual.

Miss LAMARSH: That is why I asked if it was a statement of policy.

Mr. CHARLTON: Of course not.

Mr. McQUILLAN: There is nothing wrong with it. It is entirely true. You read something into the statement which really is not there.

Miss LAMARSH: I read every word that is there and not one word more.

Mr. McQUILLAN: Is it not true what the writer is saying is that it would largely be a wasted effort to attempt to change the ways of people who have reached middle-age and train them for jobs. These are people who have established a way of life. They have been fishing all their lives and at age 50 you would not try to make loggers of them.

Miss LAMARSH: I quite agree this is what the spokesman is saying. I am asking if it is departmental policy.

Mr. CHARLTON: Did you get the answer?

Miss LAMARSH: Nothing I was able to decipher. It goes on to say "there is a chronic need for more placement officers in places like Montreal, the Lakehead, London and Calgary". Are there any who can go to these places?

Mr. BATTLE: There is one at Calgary this year.

Miss LAMARSH: There is no one for the Lakehead or London?

Mr. BATTLE: Not this year.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any other questions?

Thank you very much, Mr. Battle, for the information you have given the committee and the useful suggestions you have made.

Yesterday it was suggested we would examine the Indian treaties. I think it would be better to leave this until our sitting tomorrow morning.

We will adjourn until 9:30 tomorrow morning at which time we will meet in this room.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

THURSDAY, MAY 11, 1961

WITNESSES:

From the Indian Affairs Branch: Mr. H. R. Conn, Supervisor, Fur and Wildlife; Mr. H. M. Jones, Director; and Mr. C. I. Fairholm, Executive Assistant to the Director.

MEMBERS OF THE COMMITTEE
FOR THE SENATE

Hon. James Gladstone, <i>Joint Charman,</i>	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman,</i>	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i>
Mr. J. A. Charlton,	<i>and Victoria</i>),
Mr. F. J. Fane,	Mr. J. N. Ormiston,
Mr. D. R. Gundlock,	Hon. J. W. Pickersgill,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. W. H. A. Thomas,
Mr. F. Howard,	Mr. J. Wratten—24
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 11, 1961.
(20)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone, presided.

Present:

The Senate: Honourable Senators: Gladstone, Horner, Inman, Smith (Kamloops), Stambaugh.—(5).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Barrington, Charlton, Fane, Gundlock, Henderson, McQuillan, Stefanson, Wratten.—(10).

In attendance: From the Indian Affairs Branch: Mr. H. M. Jones, Director; Mr. H. R. Conn, Supervisor, Fur and Wildlife, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairman, Mr. Grenier, was unavoidably absent.

On motion of Mr. Barrington, seconded by Mr. Fane.

Resolved,—That Mr. Gundlock do take the Chair of this Committee as Acting Joint Chairman until Mr. Grenier returns.

Mr. Gundlock took the Chair and then called on Mr. Conn, Supervisor, Fur and Wildlife.

Mr. Conn read a brief dealing with Indian Treaties as related to the wildlife and fishery resources.

The Committee considered the above-mentioned brief page by page, and Mr. Conn was questioned thereon, assisted by Mr. Jones and Mr. Fairholm.

The questioning of Mr. Conn being continued, at 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING (21)

The Committee resumed at 2.30 p.m., the Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presiding.

Present:

The Senate: Honourable Senators: Gladstone and MacDonald.—(2).

The House of Commons: Messrs. Badanai, Fane, Grenier, Gundlock, Miss LaMarsh, Messrs. Martel, McQuillan, Stefanson, Wratten.—(9).

In attendance: Same as at morning sitting.

The Committee resumed the consideration of the brief presented at the morning's sitting by Mr. Conn dealing with Indian Treaties as related to the wildlife and fishery resources.

Mr. Conn was further questioned, assisted by Mr. Jones and Mr. Fairholm.

The questioning of Mr. Conn being completed at 4.00 p.m., the Committee adjourned until 9.30 a.m. Tuesday, May 16.

M. Slack,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 11, 1961.

THE JOINT CHAIRMAN (*Senator Gladstone*): Order, gentlemen. We have a quorum. Mr. Grenier is unavoidably absent, so I call for a motion to appoint an acting joint chairman until Mr. Grenier returns.

Mr. BARRINGTON: I move that Mr. Gundlock be acting joint chairman.

Mr. FANE: I second the motion.

THE JOINT CHAIRMAN (*Senator Gladstone*): It has been moved by Mr. Barrington and seconded by Mr. Fane that Mr. Gundlock be acting joint chairman until Mr. Grenier returns. Is it agreed?

Agreed.

THE ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Ladies and gentlemen, this morning Mr. Hugh Conn will present a brief on Indian treaties as related to wildlife and fishery resources. Mr. Conn?

Mr. H. R. CONN (*Supervisor of Fur and Wild Life*): Mr. Chairman and ladies and gentlemen of the joint committee on Indian affairs: by way of introduction I would like to point out that my submission is in two parts, one being the brief itself, and the other being extracts from supporting documents or judgments to illustrate some of the points made in the brief. The extracts are referenced in the brief by number. If the committee agrees, I shall read only the brief and leave the extracts for, perhaps, further discussion during the question period, if one is the wish of the committee.

As the chairman has said, the brief itself relates to treaties in connection with wildlife and fisheries resources. Mr. Fairholm, the executive assistant to the director, is present, and I would like to have the permission of the committee to refer to him any questions in relation to aspects of the treaty other than those having to do with wildlife and fisheries resources.

THE ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Is that agreeable to the committee?

Agreed.

Mr. CONN: The question of Indian treaties, as the committee is aware from the many references in submissions by Indian groups and organizations, is of paramount importance to Indians and, therefore, to the department. It is the purpose of this submission to review the Indian treaties in relation to the wildlife and fisheries resources.

The status of Indians in relation to wildlife legislation may be divided into two broad categories—first, in relation to provincial legislation and, second, in relation to federal legislation. This, in turn, may vary in relation to ownership of lands which can be divided into three classes, i.e. Indian reserves, crown lands and private lands.

It is generally conceded, even though a contrary judgment—not appealed—was handed down by a magistrates court in Quebec, that provincial game legislation has no application to Indians on their reserves. Application of provincial legislation on crown lands varies by provinces in accordance with the interpretation of the Indian treaties, if any are applicable in the province. Insofar as privately owned lands are concerned, Indians have the same general rights as on provincial crown lands but access to the resource is controlled by the land owner.

Federal legislation, because the B.N.A. Act gives the Dominion Government jurisdiction over Indians and lands reserved for Indians, applies to Indians everywhere in Canada, both on and off their reserves. Federal legislation includes the Migratory Birds Convention Act and Special Fishery Regulations which are enacted by the Governor in Council on behalf of the various provinces by virtue of the Fisheries Act, 1932. Federal legislation is also considered to include the game ordinances in effect in the Northwest and Yukon Territories, which are enacted by virtue of authority vested in their councils by the Northwest Territories Act and Yukon Territories Act, respectively.

In assessing the quality of Indian treaties, it will be of more than academic or historical interest to study the general principles involved, their background and the events which led up to the negotiation of the formal treaties as we know them today.

As a starting point for this study, it is necessary to select a date concerning which there can be no controversy with regard to the Indian title and attempt to trace from that date up to the present, the various documents by which the Indians' absolute interest in the lands of Canada was extinguished and, through examination of these documents and pertinent judicial interpretations, assess the extent of any residual rights which may remain vested in the Indians by reason of the conditional nature of the transfers.

I believe it to be beyond dispute to say that when Jacques Cartier took possession on behalf of His Most Christian Majesty, The King of France, the Indians were absolute owners of this country with all its diversified and undeveloped resources. The only resources being used by Indians at that time, aside from a few maize and tobacco patches in the extreme southern part of what is now Ontario and Quebec, were fish, wildlife and wild crops and, as will be seen throughout this submission, the Indians, although they were uniformly concerned with the continuance of their right to utilize those resources, were willing to cede all their other assets, the value of which, generally speaking they could not visualize.

During the period of the French regime, no formal recognition was given to Indian ownership of the territory which was considered as being the property of the crown by right of discovery and peaceful occupation. However, the French were scrupulously fair in their dealings with Indians, in some cases setting aside reserves for them and seeking assurances that their policy would be continued by the British. This was provided in section 40 of the articles of capitulation signed at Montreal in 1760. (1)

Three years later came the treaty of Paris by which Canada was ceded to Britain, followed in the same year by a royal proclamation which has been regarded as the "Magna Charta" of the Indian rights since it reserved all the country outside the limit of the French colony, the territory held under charter by the Hudson's Bay Company and the waters draining to the Western Sea to Indians as their hunting grounds and provided that no individual could acquire title to any of the land save through the crown as intermediary. (2) It also provided that the crown, itself, would acquire title only at some public meeting of Indians held for that purpose. (3) This is in keeping with the then current British practice, which was to establish the sovereignty of the crown over newly acquired territory while, at the same time, to secure the territorial rights to the various tribes of the aboriginal population.

In the period from 1763 to 1850, a series of treaties were negotiated by the Imperial government directly or by the province of Upper Canada, under which, subject to varying conditions, the territory comprising the province of Ontario south of a line drawn from Renfrew county to Georgian Bay was acquired in small parcels from the various bands. In this period, only the river

credit surrenders of 1805 and 1806 made any reference to hunting and fishing, (4) but we will return to the general area in this chronological review of the treaties, themselves.

Also in this period, a document much quoted by Indians is supposed to have been signed. Many Indians in southern Ontario carry a copy of this Gun Shot Treaty (5), but it is obvious at first glance that the narrative style of the instrument precludes the possibility of it being an actual treaty. It is introduced here to bring out the fact that although, as will be seen later, it was used in negotiations leading up to Indian treaties, the phrase "as long as the sun shines and the grass is green, etc." does not appear in any Indian treaty.

The records of this period are incomplete due to the burning of York during the War of 1812 and the shifting of the capital from place to place prior to the selection of Ottawa as Canada's capital and while it must be maintained that the actual quotation is not from a treaty, it must not be assumed that this document is a figment of the Indian imagination.

It is known that Governor Simcoe did meet with the Indians at the carrying place on the Bay of Quinte for the general purpose of discussing their grievances and of correcting the imperfect conveyance of the Crawford purchase. It is, therefore, more than likely that the document upon which these Indians set such store does express the understanding arrived at between them and Governor Simcoe at that time.

In 1850, two treaties were made by William Benjamin Robinson with the Indian owners of the territory lying north of Lakes Huron and Superior and extending as far as the height of land which separated the territory covered by the charter of the Hudson's Bay Company from Canada. In addition to being the first large scale acquisition of Indian territory by the government, these treaties shaped the course of subsequent surrenders. Their main provisions were payment of annuities, setting aside of reserves and liberty of hunting and fishing on crown lands. It is interesting to note that although a game ordinance applicable to non-Indians had been in effect in the province (Upper Canada), for some time, the Robinson treaties provided for a full and free privilege to hunt over crown lands in the territory ceded and to fish in the waters thereof, thus placing Indians in an entirely different category from non-Indians with respect to fishing and hunting. (6)

One of the initial acts of the first Canadian government after Confederation was to acquire from the Hudson's Bay Company, their interest in the vast area of Rupert's Land. While there is no material indicating the legal status of Indians as long as the Company Charter was in effect, it is known that they lived by hunting and fishing and were unmolested in those pursuits. It is further known that when Lord Selkirk purchased land from the company for the Red River settlement, he still had to negotiate with the Indians before putting settlers on the land.

This same principle was followed by the company in their deed of surrender wherein the dominion was required to relieve the company of all responsibility in connection with Indian claims. (7) By this document, the responsibility of treating with Indians was transferred to the Canadian government. That the responsibility was accepted, is shown by the first address to Her Majesty from the Senate and House of Commons of Canada wherein the Canadian government promised to settle the question in conformity with the equitable principles used by the British crown. (8) It is not too far fetched to construe this as a promise to deal with the Indians inhabiting the former company territory in accordance with the principles and procedures set out in the Royal Proclamation of 1763.

In 1871, two treaties—the Stone Fort Treaties Nos. 1 and 2—were negotiated with the Indians occupying what is now southern Manitoba and part of Saskatchewan. These are unique among Indian treaties since, in contrast to the Robinson Treaties, there is no mention of hunting or fishing privileges being granted to Indians. These treaties were followed in the same year by the Northwest Angle Treaty No. 3 taking in the country between the area covered by them and that of the Robinson Superior Treaty. After the Northwest Angle Treaty came the Qu'Appelle Treaty No. 4 (1875), the Winnipeg Treaty No. 5 (1875), the Treaty at Forts Carlton and Pitt No. 6 (1876), all of which provided for the continuance of the Indian right to hunt and fish, but subject to regulation by the government of the Dominion of Canada. (9)

These, in turn, were followed by the Blackfoot Treaty No. 7 (1877), the Lesser Slave Lake Treaty No. 8 (1899), the James Bay Treaty No. 9 (1905-1906), the Saskatchewan Treaty No. 10 (1906) and the Mackenzie River Treaty No. 11 (1921), all of which contained the usual assurances with regard to hunting, trapping and fishing but subject to regulation by the government of the country—instead of the Government of Canada. (10)

The final treaties to be considered are the Chippewa and Missisauga Treaties of 1923 (11), signed by Canada and Ontario jointly and dealing with residual rights in territories which had, previously, been surrendered. This is the area covered by the first surrenders. The Indians inhabiting this area laid claim to compensation for unsurrendered hunting and fishing rights and a commission was set up to inquire into the validity of their claim. The commission having upheld the Indian contention, the treaties were negotiated and the Chippewa and Missisauga Indians were paid \$500,000 for the hunting and fishing privileges remaining to them after their lands had been acquired by the Crown.

It will be noted that several areas are not covered by treaty, namely the Atlantic provinces, Newfoundland, Quebec, and that portion of the province of British Columbia and of the Yukon Territory which drain to the Pacific Ocean.

Excepting for the articles of peace and friendship (12), there are no treaties in New Brunswick, Nova Scotia or Prince Edward Island.

There are no Indians on the island portion of the province of Newfoundland but two bands are located in the Labrador area. In addition, Indians adhering to bands from the North Shore of the St. Lawrence between Blanc Sablon and Sept Iles and therefore classed as Quebec Indians, continue to occupy trapping grounds they have used from time immemorial.

All of this area, excepting Newfoundland itself, was part of the French domain prior to the Treaty of Paris and was, therefore, specifically exempted, along with that portion of Quebec covered by French explorers, traders and missionaries, from the Royal Proclamation of 1763.

Part of Quebec province, i.e. that portion lying in the Hudson's Bay watershed, accrued to Canada at Confederation under the terms of the Deed of Surrender, but there is no evidence of the Dominion having complied with the undertaking to Her Majesty that the claims of the Indian tribes to compensation would be considered and settled.

The final area for consideration is that portion of British Columbia and Yukon Territory which drains to the western sea and which was, therefore, exempted from the royal proclamation previously referred to. There was, in 1763, no recognized connection between the Pacific Coast and the Provinces of Canada from which it was separated by a thousand or more miles of the Hudson's Bay Company charter and the formidable barrier of the Rocky Mountains. Consequently, other than saying that no formal treaties or extensive land surrenders have been negotiated, this territory may be omitted from the present study.

This concludes the chronological and territorial review of the treaties themselves, but there is one very pertinent document which should be reviewed before turning to the judicial decisions which, in the final analysis, are the only means of establishing the precise legal value of the treaties.

Whatever the rights of the Indians might be under their treaties alone with respect to taking game and fish, the question does not arise where confirmatory legislation has been enacted. There are three such enactments, namely, the natural resources transfer agreements under which the natural resources were transferred from the Dominion to the provinces of Manitoba, Saskatchewan and Alberta. These agreements were ratified by the Provincial legislatures and by the parliaments of Canada and the United Kingdom in 1930. This legislation is particularly valuable in a study of Indian treaties since the Indians, themselves, were neither consulted nor directly involved and therefore these agreements may be regarded as an impartial assessment of the corresponding clause in the Indian treaties.

It would appear that, in this transaction, the Dominion recognized that, because the Indian treaties constituted what might be termed a lien on the game and fish, it was not possible to convey those resources with a clear and unencumbered title and, consequently, the representatives of the two parties to the agreement set out in legal language the nature and extent of the encumbrance which was then incorporated in the deed of conveyance. (13)

It will be noted that in both the treaties and the legislation just quoted, there are some very apparent ambiguities and contradictions. Personal opinions and interpretations in such instances are valueless and, as previously mentioned, dependance must be placed on judicial decisions, especially Appeal cases, to determine the quality of any residual rights which might remain vested in the Indians after their title is surrendered to the crown.

Before examining decisions on game and fisheries, it might be of value to examine two cases where Indian hunting and fishing rights, although not directly relevant, were used as arguments in the action.

One action often referred to in litigation concerning Indian rights is the St. Catharine's milling and lumber case (14) taken before the judicial committee of the Privy Council in 1888 when controversy arose between the Dominion and Ontario, each of whom maintained that the legal effect of extinguishing the Indian title (Northwest Angle-treaty 3) was to transmit to itself the entire beneficial interest in the lands—free from any encumbrance save the qualified privilege of hunting and fishing mentioned in the treaty.

Acting on that assumption, the Dominion government, through the Crown Timber Agent, issued a permit to the St. Catharine's Milling Company to cut and carry away one million feet of timber. When the company availed themselves of the licence, the province obtained an injunction in which they were upheld by the courts of Ontario. An appeal taken from that decision to the Supreme Court of Canada was dismissed by a majority of four of the six presiding judges. The action was then taken to the Privy Council which upheld the decision of the Canadian courts, ruling in effect that, after treaty, the Indians had no right to timber growing upon the lands which they had surrendered and, further, the fact that it still possessed the exclusive power to regulate the Indian privilege of hunting and fishing, could not confer upon the Dominion power to dispose of that beneficial interest in the timber which had passed to Ontario.

In their judgment the learned lords declined to define the precise quality of Indian rights, (15) pointing out that, all along, the crown had an interest underlying the Indian title and that the sole question before the court was whether the crown, Dominion or provincial was entitled to the revenues accruing from the timber.

Subsequently, the Dominion sued Ontario (16) for the amount of annuities paid to Indians between the signing of the treaty and discovery of the fact that much of the land ceded by Indians lay within the province of Ontario and not within the territory of Keewatin as was at first supposed. In this action, also, the Federal government was defeated but early in the dispute (1894) an agreement was negotiated between Canada and Ontario which was designed to provide for avoidance of further disputes on the questions of Indian lands. (17) By virtue of this agreement, the Province of Ontario became a party to the Chippewa-Missisauga and the James Bay Treaties, paid the compensation arranged for the Indians in the former and are still paying the annuities provided in the latter.

These cases are set out with the dual purpose of showing, first, that Indians can claim no rights after treaty other than the provisional right of hunting and fishing and, second, that since the Privy Council, in both cases, refused to go beyond the point at issue, i.e., timber and annuities respectively, they cannot be considered as relevant to the game cases which will be studied later.

The most pertinent decisions regarding hunting rights are summarized hereunder in the references and these are arranged in relation to conditions prevailing with regard to land tenure, presence or absence of treaties, etc., rather than in chronological order which will permit the conclusions to be drawn therefrom to be more readily judged. The summaries are those of the editors of the law reports in which they appear and the source is quoted to enable members of the committee to study the full text of the judgment, if they so desire.

In dealing with Indian reserves, cases in British Columbia have been selected since it follows that if Indians have special rights with regard to their reserves where they have no treaty, these rights would be doubly effective in the area covered by a treaty.

In *Rex vs. Edward Jim* (18), it was held by the Supreme Court of British Columbia that an Indian hunting on his reserve did not come within the scope of the Provincial Game Act which was deemed to have no application to Indians. In *Rex vs. McLeod* (19), it was found that the Game Act was applicable to non-Indians on an Indian reserve and that an Indian reserve was not deemed to be a sanctuary in which a person could evade a law which was, otherwise, applicable to them. Also dealing with Indian reserves, but in a treaty area, the Appeal Court of Manitoba (1923) in *Rex vs. Rodgers* (20), quashed the conviction against a fur buyer who purchased fur from Indians on an Indian reserve without properly recording the trapper's number. It was held that since the Indian was not required to have a licence, the buyer could not record his number and, further, since the furs were purchased on an Indian reserve where the Manitoba Game Act had no application, the Indian was not a trapper within the meaning of that Act.

Decisions with regard to Indians hunting on crown lands governed by treaty but not subject to the terms of the resources transfer agreements are contradictory and inconclusive. In *Rex vs. Joe Padgena and Paul Quesawa*, (21) two Indians were convicted of having in their possession thirty raw beaver pelts contrary to the Ontario Game and Fishery Act. They appealed and Mr. Justice McKay in the Division Court of the District of Thunder Bay quashed the conviction holding that the Ontario game regulations abrogated the treaty and were *ultra vires*. An appeal entered by the province was repeatedly adjourned at their request and never came to trial. It would appear from the correspondence on department files that the court was reluctant to hear the case, holding that it was not in the interest of Indians to do so and

that the parties to the appeal should make some arrangement with respect to Indian hunting which would be mutually acceptable.

In *Rex vs. Commanda* (22), it was held to be within the competence of the province to legislate concerning Indian hunting and that they were subject to the same laws as non-Indians. In his judgment, Mr. Justice Green relied upon the *St. Catherine's* milling case which, as has been seen, was one of timber rights and not of game. A review of the judgment left the opinion, both with the Indian administration and the Federal Department of Justice, that the learned Justice had erred by so treating the problem. An appeal was entered by the Federal government but was discontinued at the request of the Ontario executive. It is to be regretted that neither of these cases were taken to a higher court since two completely contradictory judgments concerning the same treaty in the same province lends itself to confusion. In spite of the fact that in both cases it was the province who suggested the litigation be discontinued, the opinion is still held in some quarters that had the actions gone to trial, the province would have been successful.

Where the Indian treaties have been given the effect of law by virtue of the resources transfer agreements, court decisions have been conclusive and uncontradictory and the Indian right well defined. In *Rex vs. Wesley* (23), it was held by the Appellate Division of the Supreme Court of Alberta that Indians, provided always they are hunting food on unoccupied crown lands or other land to which they have a right of access, enjoy an unrestricted right to hunt without reference to provincial legislation which was deemed to have no application to them under these circumstances. In *Rex vs. Smith* (24), the Saskatchewan courts held that a game preserve or national park was not land to which an Indian had right of access. In *Regina vs. Strongquill* (25), the court of appeal of Saskatchewan held that Indian access to game preserves, forest preserves, etc., is denied only as long as they are maintained as sanctuaries and, further, that the province has no authority to vary or modify by unilateral action any of the provisions of the resources transfer.

In *Regina vs. Little Bear*, (26) the Supreme Court of Alberta (appellate division) held that, included in the lands to which an Indian has "right of access while hunting for food" were private lands with the consent of the owner or occupier.

To recapitulate, it has been held by the courts that Indians have no residual rights after treaty other than with respect to game and fish, that decisions on treaties alone are contradictory and inconclusive, but that where confirmed by legislation, Indian rights insofar as provincial legislation is concerned, are clearly defined.

Before turning to the application of federal legislation in relation to Indian treaties, it is submitted that the problem posed by the foregoing is whether or not it is feasible or desirable to make more adequate provision for continued rights than is made in the present section 87 of the Indian Act.

It has been noted that the provincial legislature has no power to alter the terms of the bilateral agreements entered into with the Federal authority concerning Indian rights. It follows, therefore, that the dominion should, within its jurisdiction, honour the bilateral agreements with Indians of which the agreements with the provinces are mere affirmations, by observing the same terms and conditions which were imposed on the provinces.

That the Dominion has not honoured these agreements is amply demonstrated by the Migratory Birds Convention Act based on a treaty with the United States of America which ignores the very existence of the prior treaties with Indians of which it is a clear abrogation. In that act, with the exception of a few species which are not generally available to them or which are of

little value to sportsmen, Indians are placed in the same legal position as any other person, even when on their own reserves.

Although on the same legal basis, the Indian who hunts for food is at an actual disadvantage. The law provides for a possession limit—two days hunt in most cases—which is, of course, totally inadequate for any substantial part of the Indian food requirements. Hunting during the spring migration is also prohibited although the practice has been carried on from time immemorial. Only those who have spent time in the north can appreciate the joy with which the migrating waterfowl are greeted, not only as a sign that the long winter is over at last, but as a source of fresh meat to replace the beaver and muskrat which have been used so extensively during the breakup.

Another example is the special fisheries regulations. These are federal regulations and, as such are considered as applicable to Indians. The regulations vary from province to province and range from no mention at all of Indians rights to where adequate provision is made for all reasonable domestic needs. Officers of the Department of Fisheries have been most co-operative in meeting problems as they arise but there remain wide areas wherein Indians have no assurance whatever that they may take fish for food on any other basis than is allowed persons fishing for sport and still further areas in which they are not permitted to take any fish whatever because the fishing rights have been leased to clubs or individuals.

Finally, there are the game ordinances in effect in the Northwest Territories and the Yukon Territory. The enabling acts on which these ordinances are based, were amended during the last session of this parliament to make positive provision for Indians to hunt for food on unoccupied crown lands. This right is conditional however and Indians may still be forbidden to hunt any game declared by the Governor in Council to be game in danger of becoming extinct. Three species have been so designated in the Yukon Territory.

I would not leave the committee with the impression that Indians are being persecuted or that the law is being enforced to the letter. In most areas of Canada, Indians are given the widest possible latitude when hunting for their subsistence and this applies even where there are no treaties or statutory enactments defining their rights. I would stress, however, that this tolerance is a matter of grace, not right, that it is subject to change or withdrawal at the whim of ever changing game administrators and that the privilege can be maintained only by placing enforcement officers in the untenable position of having to ignore the law they are sworn to uphold. Indians under such conditions live in constant dread that the law will be enforced and, on numerous occasions, they have been threatened by local game officers even though the policy as laid down by their superiors was that the regulations were not to be enforced.

Members of the committee will have noted the provision in almost all Treaties for regulation by the government of the Dominion of Canada or of the country. There can be no question of the authority of parliament to legislate concerning Indians or lands reserved for Indians and this clause is actually redundant.

While there is no question whatever of the competence of parliament to legislate, there remains for study the question of moral consideration and the action which might be taken to give substance to those documents which are, in effect, our deed to the lands of Canada.

One cannot do better in defining the moral obligations than to quote the late Mr. Justice McGillivray in his judgment (*Rex vs. Wesley*) previously referred to. After pointing out that treaties with Indians in the United States had, until changed by statute, been deemed to have the same dignity and effect as treaties with a foreign nation and that in Canada Indian treaties have always

been judicially interpreted as being mere promises and agreements, he went on to say:

And this is a quotation from the judgment:

Assuming as I do that our treaties with Indians are on no higher plan than other formal agreements yet this in no wise makes it less the duty and obligation of the Crown to carry out the promises contained in those treaties with the exactness which honour and good conscience dictate and it is not to be thought that the Crown has departed from those equitable principles which the Senate and the House of Commons declared, in addressing Her Majesty in 1867, uniformly governed the British Crown in its dealings with the aborigines.

It will be noted that the writer of this judgment, a man learned in the law and trained in the fine art of using words which would convey his precise meaning did not say that the Crown "should observe the terms" or "honour the commitment" but that the Crown should carry out "the promises contained in those treaties".

To determine what these promises were and what honour and good conscience dictate, it is necessary to go beyond the written text of the treaties and, in doing so, bear in mind that the Indians who signed for their people were uniformly illiterate and were, for the most part, incapable of understanding even the spoken language. They were entirely dependent on the good will of the sovereign and confident that their treaty contained, in writing, exactly what was interpreted to them on that momentous occasion.

These interpretations might have varied from the actual spoken word and Indian accounts of the proceedings may, therefore, tend to distort and enlarge on the promises made, but we have an authentic account of the Government's intent in the form of reports by the commissioners who conducted the negotiations for the Crown. (27) From these it can be seen that, without exception, the Indians, before surrendering their territory, and regardless of what is in the actual documents to which they gave their adherence, were given solemn assurances by the accredited representatives of the Crown "that their way of making their livelihood would, in no way, be interfered with", "that they would be as free to hunt and fish after treaty as if they had never entered into it" and that the treaties would remain in effect "as long as the sun shines and the water flows".

In all of the foregoing, the claims of the Indians are in terms of their traditional right to hunt and fish for food and there is no suggestion that they should be permitted to sell or barter any of the game or fish taken for that purpose. Further, Indians engaged in commercial utilization of the resources do so in accordance with the regulations which are applicable in the industry, generally. They make no claim whatever to special treatment excepting that their long and unbroken occupation entitles them to priority when registered trapping areas are being allocated or when inland lakes are being opened up for commercial fishing on a limited quota basis.

Mr. Battle has informed the committee of the results attained under the conservation and development programs in which the Department has assisted the various provinces. The Indians have willingly co-operated in those programs even where they had a clear statutory right to refuse. The success of this work would not have been possible without their observance of the basic principles of conservation and no other group, entitled to the same rights would have, so willingly and whole heartedly, supported the work undertaken for their benefit.

Many illustrations could be given in proof of this contention but the outstanding one is in the James Bay section of the Quebec fur preserves. The Indians there observed a seven year closed season on beaver during

which they turned in to the department, without promise of reward or fear of punishment, pelts from the very few beaver caught accidentally in traps set for other aquatic animals. In all that time, with over 2,000 Indians involved, not a single enforcement officer was employed and not one prosecution was necessary.

Your witness does not share the apprehension that to honour the promises made to Indians would lead to anihilation of the game resources but feel that true conservation must be based on mutual respect and understanding, not fear of the law and that removal of the present inconsistencies is an essential first step in regaining the trust and confidence which is so necessary to the administration of the Indian's participation in the development and management of Canada's wildlife heritage.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Thank you, Mr. Conn. Would it be the wish of the committee that the accompanying references be included in the record as read? Is it agreed?

Agreed.

Editor's Note: The references are as follows:

Mr. CONN:

(1) Articles of capitulation, 1760

The savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit, if they choose to reside there; they shall not be molested on any pretence whatever for having carried arms and served His Most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries.

(2) Royal Proclamation, 1763

And whereas, it is just and reasonable, and essential to our interest, and the security of our Colonies, that the several Nations or Tribes of Indians with whom we are connected, or who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds.

We do, therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure, that no Governor or Commander-in-Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants, or survey, or pass any patents for lands beyond the bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander-in-Chief, in any of our other Colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands, beyond the heads or sources of any of the Rivers which fall into the Atlantic Ocean from the west and north west, or upon any lands whatever; which not having been ceded to, or purchased by us, as aforesaid, and reserved to the said Indians, and any of them.

And, we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new Governments, or within the limits of the territory granted to the Hudson's Bay Company; as also the lands and territories lying to the westward of the sources of the Rivers which fall into the sea, from

the west and north west, as aforesaid. And we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of the lands above reserved, without our special leave and license for that purpose, first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any land within the countries above described, or upon other lands, which, not having been ceded to, or purchased by us, are still reserved to the said Indians, as aforesaid, forthwith to remove themselves from such settlements.

(3) Royal Proclamation II, 1763

And whereas, great frauds and abuses have been committed in the purchasing of lands of the Indians, to the great prejudice of our interest, and to the great dissatisfaction of the said Indians:

In order, therefore, to prevent such irregularities for the future, and to the end, that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent; We do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians within those parts of our Colonies where we have thought proper to allow settlements; but, that if, at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians to be held for that purpose, by the Governor or Commander-in-Chief of our Colonies, respectively, within which they shall lie; and in case they shall be within the limits of any proprietary Government, they shall be purchased only for the use and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose.

River Credit Surrender, 1805-1806

the sole right of the fisheries in the Twelve Mile Creek, the Sixteen Mile Creek, the River Credit and the River Etobicoke, the said right of fishery and reserves extending from the Lake Ontario up the said creeks the distance hereinafter mentioned, and no further.

And the right of fishery in the River Etobicoke from the mouth of the said River to the allowance for road between the first and second concessions south side of Dundas Street and no further.

Gun Shot Treaty, (between 1792 and 1810)

When George III sent out Simcoe as his representative to govern Canada he made a treaty with the Indians at the Bay of Quinte, called the Gunshot Treaty. Thousands of Indians were present including the principal chiefs of the different tribes. The Government stated, although the Government wanted the land, it was not intended that the fish and game rights be excluded or that they were to be deprived of their privileges of hunting and fishing as it is the source of their living and sustenance. These provisions were to hold good as long as the sun shines, the grass grows, the waters run and as long as the British Government is in existence.

(6) Robinson Treaties—Superior and Huron, 1850

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty and the Government of this Province, hereby promises and agrees to make or cause to be made the payments as before mentioned and further to allow the said Chiefs and their Tribes the full and free privilege to hunt over the Territory now ceded by them and to fish in the waters thereof, as they have heretofore been in the habit of doing; saving and excepting such portions of the said Territory as may from time to time be sold or leased to individuals or companies of individuals; and occupied by them with the consent of the Provincial Government.

(7) Hudson's Bay Company Deed of Surrender, 1868

Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, and the Company shall be relieved of all responsibility in respect to them.

(8) Speech From Throne, 1870

And furthermore, that upon the transference of the territory in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigine.

(9) Treaties No. 3 to 6, incl., 1871-1876

Her Majesty further agrees with her said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes, by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefore by the said Government.

(10) Treaties No. 7 to 11, incl., 1877-1921

And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocation of hunting, trapping, and fishing throughout the tract surrendered as heretofore described subject to such regulations as may from time to time be made by the government of the country acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering or other purposes.

(1) Chippewa and Missisauga Treaties. 1923

Whereas the Chippewa Tribe above described having claimed to be entitled to certain interests in the lands of the Province of Ontario, such interests being the Indian title of the said tribes to fishing, hunting and trapping over the said lands, of which said rights His Majesty through His said Commissioners, is desirous of obtaining a surrender, and for such purpose has appointed the said Commissioners, with power on behalf of His Majesty, to enquire into the validity of the claims of the said tribes, and in the event of the said Commissioners determining in favour of the validity thereof, to negotiate a treaty with the said

tribe for the surrender of the said rights upon the payment of such compensation therefore as may seem to the said Commissioners to be just and proper.

And whereas, the said Commissioners, having duly made the said enquiry, have determined in favour of the validity of the said rights.

(12) Articles of Peace and Friendship, 1752

It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting and Fishing as usual and that if they shall think a Truck house needful at the River Chibenaccadie or any other place of their resort they shall have the same built and proper Merchandise lodged therein to be exchanged for what the Indians shall have to dispose of and that in the meantime the said Indians shall have free liberty to bring for sale to Halifax or any other Settlement within this Province, skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best advantage.

(13) Natural Resources Transfer Agreements, 1929

In order to secure to the Indians of the Province continuance of the supply of game and fish for their support and subsistence Canada agrees that the laws respecting game enforced in the Province from time to time shall apply to the Indians within the boundaries thereof provided however, that the said Indians shall have the right which the province hereby assures them, of hunting, trapping and fishing for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians have right of access.

(14) St. Catharine's Milling Case, (Privy Council, 14 Appeal Cases, 1888, Page 46)

The fact that the power of legislating for Indians, and for the lands which are reserved for their use, has been entrusted to the Parliament of the Dominion is not in the least degree inconsistent with the right of the provinces to a beneficial interest in these lands, available to them as a source of revenue whenever the estate of the Crown is disencumbered of the Indian title.

The Treaty leaves the Indians no right whatever to the timber growing upon the lands which they gave up, which is now fully vested in the Crown, all revenues derivable from the sale of such portions of it as are situate within the boundaries of Ontario being the property of the province. The fact, that it still possesses exclusive power to regulate the Indians' privilege of hunting and fishing, cannot confer upon the Dominion power to dispose, by issuing permits or otherwise, of that beneficial interest in the timber which has now passed to Ontario.

(15) St. Catharine's Milling Case, (Privy Council, 14 Appeal Cases, 1888, Page 46)

There was a great deal of learned discussion at the bar with respect to the precise quality of the Indian right, but their Lordships do not consider it necessary to express any opinion upon the point. It appears to them to be sufficient for the purposes of this case, that there has been all along vested in the Crown a substantial and paramount estate, underlying the Indian title, which became a plenum dominium whenever that title was surrendered or otherwise extinguished.

- (16) Attorney General, Canada vs. Attorney General, Ontario (Privy Council, Appeal Cases, 1910, Page 447) 457

In the course of argument the question was mooted as to the liability of the Ontario Government to carry out the provisions of the treaty so far as concerns future reservations of land for the Indians. No such matter comes up for decision in the present case. It is not intended to forestall points of that kind which may depend upon different considerations, and, if ever they arise, will have to be discussed and decided afresh.

Their Lordships will humbly advise His Majesty that this appeal should be dismissed. There will be no order as to costs.

- (17) Dominion-Provincial Agreement, 1894 (Indian Treaties and Surrenders, Vol. 3, Page 133)

The main terms of this Agreement were:

1. Indian hunting rights were confined to unoccupied Crown lands.
2. Ontario agreed that full enquiry would be made of Indians before setting aside reserves.
3. In case of any dispute a joint commission representing the two governments would be appointed to settle and determine the question.
4. "That in case of all Indian Reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian Reserves in the said Territory, including the land covered with water lying between the projecting headlands of any lake or sheets or water, not wholly surrounded by an Indian Reserve or Reserves, shall be deemed to form part of such Reserve including Islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the Band to which the Reserve belongs".
5. Dominion fishery law to apply on Indian reserves.
6. "That any future treaties with the Indians in respect of Territory in Ontario to which they have not before the passing of the said Statutes surrendered their claim aforesaid, shall be deemed to require the concurrence of the Government of Ontario".

- (18) Rex vs. Edward Jim (B.C., 1915, 22 BCR, Vol. 20, Page 106)

In my opinion, this conviction must be quashed. The facts are not in dispute; the central fact being that the Defendant charged with an infraction of the Game Act was an Indian who killed a two-year-old buck upon a reserve upon which he was entitled to live, and was using the meat for his household use.

The question at once arises as to whether the Indian is within the scope of the prohibitions of the Provincial Game Act. In my opinion he is not.

- (19) Rex vs. McLeod (B.C., 1930, 2 WWR, Page 37)

The Provincial Game Act will apply to an offence committed by a non-Indian on an Indian reserve. Such reserves are not by reason of the Dominion jurisdiction thereover, excluded from the application of provincial statutes which do not conflict with Dominion legislation.

- (20) Rex vs. Rodgers (Manitoba, 1923, 3 DLR, Page 414)

Indian killing animal on Reserve—Disposal of pelt outside—

In the absence of any declaration by the Superintendent General under S. 66 Indian Act, RSC, 1906, c 81, The Game Protection Act, 1916,

(Man) C. 44 does not apply to a treaty Indian who hunts and kills fur bearing animals upon his reserve, and in so doing, he is not a trapper within the meaning of the Provincial Act and is not required to have a permit, nor does he in disposing of the pelts of such animals outside the Reserve become a trapper within the meaning of the Act and a purchaser is not guilty of an offence under S. 20(4) in failing to obtain at the time of purchase his name and the number of his trapper's permit.

(21) *Rex vs. Padgena and Quasawa* (Ontario, 1930, not reported)

The said Robinson Treaty is binding on both the Dominion of Canada and the Province of Ontario. The said treaty was made with the Province of Canada, which then included Ontario and Quebec, and the Province of Ontario cannot abrogate the said treaty . . . I hold that the appellants are entitled under the terms of the said treaty to hunt on the lands belonging to the Crown within the said territory, and that the said Game and Fisheries Act and regulations thereunder do not apply to them and that the conviction herein should be quashed.

(22) *Rex vs. Commanda*, (Ontario, 1939, 3 DLR, Page 635)

The appellant Joe Commanda was convicted by the Police Magistrate of having in his possession during closed season parts of two moose and a deer contrary to the provisions of The Ontario Game and Fisheries Act. This Act specifically brings Indians within its scope by defining the word "person" as including Indians.

. . . I am constrained to hold that in regard to the land ceded by the Indians there was no trust existing in respect thereof in their favour, nor did they have any interest other than that of the Province in the same.

(23) *Rex vs. Wesley*, (Alberta, 1932, 2 WWR, Page 337)

Indians in Alberta entitled to the benefits of the articles of treaty made between the Queen and the Blackfeet, Stoney and other Indians on September 12th, 1877, may (regardless of the provisions of a provincial Game Act) when hunting for food kill all kinds of wild animals regardless of age or size wherever they may be found on unoccupied Crown lands or other lands to which such Indians have a right of access, at all seasons of the year, and may hunt such animals with dogs or otherwise as they see fit and they need no licence beyond the language of Sec. 12, *infra*, to entitle them to do so. (Sec. 12 of the agreement was set forth in the Alberta Natural Resources Act, 1930, ch. 21 (Alta), approved by the Dominion Parliament, 1930, ch. 3, and confirmed by The British North America Act, 1930, ch. 26, (Imp), so interpreted)

(24) *Rex vs. Smith*, (Saskatchewan, 1935, 2 WWR, Page 433)

A Treaty Indian is bound by the provisions of the Game Act R.S.S. 1930 ch 208 sec 69 and prohibited thereby from shooting, hunting, trapping or carrying fire-arms within certain areas of Crown lands which are declared to be game preserves and which are particularly described in schedule B of the Game Act. This result following from the fact that the extent to which Indians are now exempted from the interpretation of par 12 of the Natural Resources Agreement of 1929 between the Province and the Dominion which was confirmed and given the force of law by Imperial Statute of 1930 ch 26. This paragraph says that the Indians are to have the right to hunt, trap and fish for food in all seasons 'on all unoccupied Crown lands' and on any other lands to which

the said Indians have a 'right of access,' within the meaning of said paragraph; the right of access which they enjoy with respect to the preserves being only the privilege accorded to all persons to enter them without carrying fire-arms.

(25) *Regina vs. Strongquill, (Saskatchewan, 1953)*

In the Stated Case there is the fact that the area in question 'was open to any visiting hunters who have a licence and they are permitted to hunt over that area which is Crown land'. In my opinion, the accused, a treaty Indian, had a right of access to the said land, a right to hunt thereon for and kill the said moose for food, irrespective of the provincial Game Act...

In my opinion the legislature has no power by unilateral action to define the language used nor amplify, extend, modify or alter the terms of the said Natural Resources Agreement, nor to derogate from the rights granted to the Indians by the said Agreement. These are constitutional rights which can only be amended or interpreted as provided for in The British North America Act 1867 and amendments thereto. Vide C.P.R. vs. Notre Dame de Bonsecours Parish (1899) A.C. p. 367.

In my opinion Subsection 2 of Section 13 of the Game Act Cap 76 1950 S.S. is ultra vires and has no application to the accused.

The appeal will be allowed and the conviction quashed with costs both here and in the Court below.

(26) *Regina v. Little Bear (Alberta 1958, WWR, Page 173)*

An Indian is not bound by provincial game laws if he is hunting for food. This right to hunt game for food extends to all unoccupied Crown lands and any other land to which he has a "right of access", which latter expression includes a right to enter privately-owned land with the consent of the owner or occupier for the purpose of hunting.

(27) *Promises Contained in Treaties*

Treaties 1 and 2 (Morris' Treaties of Canada, Page 29)

When you have made your treaty you will still be free to hunt over much of the land included in the treaty. Much of it is rocky and unfit for cultivation, much of it that is wooded is beyond the places where the white man will require to go, at all events for some time to come. Till these lands are needed for use you will be free to hunt over them, and make all the use of them which you have made in the past. But when lands are needed to be tilled or occupied, you must not go on them any more. There will still be plenty of land that is neither tilled nor occupied where you can go and roam and hunt as you have always done, and, if you wish to farm, you will go to your own reserve where you will find a place ready for you to live on and cultivate.

Hon. James McKay,
Lieut. Gov. of Manitoba

North West Angle Treaty No. 3 (Morris' Treaties of Canada, Pages 58, 66, 67 and 75)

Governor: It may be a long time before the other lands are wanted, and in the meantime you will be permitted to fish and hunt over them... I think we should do everything to help you by giving you the means to grow some food, so that if it is a bad year for fishing and hunting you may have something for your children at home... There is one thing that I have thought over, and I think it is a wise thing to do. That is to give you ammunition, and twine for making nets, to the extent of \$1,500 per year, for the whole nation, so that you can have the means of procuring food.

Chief: Now you see me stand before you all; what has been done here to-day has been done openly before the Great Spirit, and before the nation, and I hope that I may never hear any one say that this treaty has been done secretly; and now, in closing this Council, I take off my glove, and in giving you my hand, I deliver over my birth-right and lands, and in taking your hand, I hold fast all the promises you have made, and I hope they will last as long as the sun goes round and the water flows, as you have said.

Hon. James McKay,
Lieut. Gov. of Manitoba

Qu'Appelle Treaty, No. 4 (Morris' Treaties of Canada, Page 96)

We have come through the country for many days and we have seen hills and but little wood and in many places little water, and it may be a long time before there are many white men settled upon this land, and you will have the right of hunting and fishing just as you have now until the land is actually taken up.

Hon. James McKay,
Lieut. Gov. of Manitoba

Winnipeg Treaty, No. 5 (Morris' Treaties of Canada, Page 162)

They had heard of the terms granted the Indians at Carlton, and this acted most prejudicially at one time against the successful carrying out of my mission; but I at last made them understand the difference between their position and the Plain Indians, by pointing out that the land they would surrender would be useless to the Queen, while what the Plain Indians gave up would be of value to her for homes for her white children.

The Howard Commission

Forts Carlton and Pitt, Treaty No. 6 (Morris' Treaties of Canada Pages 194-5)

In connection with the aiding of the Indians to settle, I have to call attention to the necessity of regulations being made for the preservation of the buffalo. These animals are fast decreasing in numbers, but I am satisfied that a few simple regulations would preserve the herds for many years. The subject was constantly pressed on my attention by the Indians, and I promised that the matter would be considered by the North-West Council. The council that has governed the territories for the last four years was engaged in maturing a law for this purpose, and had our regime continued we would have passed a statute for their preservation. I commend the matter to the attention of our successors as one of urgent importance.

Alexander Morris,
Lieut.-Governor

Blackfeet Treaty No. 7 (Morris' Treaties of Canada, Page 267)

The Great Mother heard that the buffalo were being killed very fast, and to prevent them from being destroyed her Councillors have made a law to protect them. This law is for your good. It says that the calves are not to be killed, so that they may grow up and increase; that the cows are not to be killed in winter or spring, excepting by the Indians when they are in need of them as food. This will save the buffalo, and provide you with food for many years yet, and it shews you that the Queen and her Councillors wish you well.

David Laird,
Lieut.-Governor

Lesser Slave Treaty No. 8 (Report of Commissioners, Page 4)

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into.

David Laird,
J. H. Ross,
J. A. J. McKenna
Indian Treaty Commissioners

James Bay Treaty No. 9 (Report of Commissioners, Pages 5 and 11)

Missabay, the recognized chief of the band, then spoke, expressing the fears of the Indians that, if they signed the treaty, they would be compelled to reside upon the reserve to be set apart for them, and would be deprived of the fishing and hunting privileges which they now enjoy.

On being informed that their fears in regard to both these matters were groundless, as their present manner of making their livelihood would in no way be interfered with, the Indians talked the matter over among themselves, and then asked to be given till the following day to prepare their reply. This request was at once acceded to and the meeting adjourned.

The next morning the Indians signified their readiness to give their reply to the commissioners, and the meeting being again convened, the chief spoke, stating that full consideration had been given the request made to them to enter into treaty with His Majesty, and they were prepared to sign, as they believed that nothing but good was intended . . .

Throughout all the negotiations we carefully guarded against making any promises over and above those written in the treaty which might afterwards cause embarrassment to the governments concerned. No outside promises were made, and the Indians cannot, and we confidently believe do not, expect any other concessions than those set forth in the documents to which they gave their adherence.

Duncan C. Scott,	} Canada
Samuel Stewart,	
Daniel G. MacMartin, Ontario	

Saskatchewan Treaty No. 10 (Report of Commissioners, Pages 5 and 6)

In the main, the demand will be for ammunition and twine, as the great majority of Indians will continue to hunt and fish for a livelihood. It does not appear likely that the conditions of that part of Saskatchewan covered by the treaty will be for many years so changed as to affect hunting and trapping, and it is expected, therefore, that the great majority of the Indians will continue in these pursuits as a means of subsistence.

The Indians were given the option of taking reserves or land in severalty, when they felt the need of having land set apart for them. I made it clear that the government had no desire to interfere with their mode of life, or to restrict them to reserves . . .

J. A. J. McKenna,
Commissioner.

MacKenzie River Treaty No. 11 (Report of Commissioners, Page 1)

The Indians seemed afraid, for one thing, that their liberty to hunt, trap and fish would be taken away or curtailed, but were assured by me that this would not be the case, and the Government will expect them to support themselves in their own way, and, in fact, that more twine for nets and more ammunition were given under the terms of this treaty than under any of the preceding ones; this went a long way to calm their fears. I also pointed out that any game laws made were to their advantage, and, whether they took treaty or not, they were subject to the laws of the Dominion.

H. A. Conroy,
Commissioner.

THE ACTING JOINT CHAIRMAN (Mr. Gundlock): Shall we now proceed with comments and questions? Let us start with page one. Are there any questions on page one?

Miss LAMARSH: I have a question. Is there any case in which the federal department would be justified, at the request of the Indian branch, in appealing any of these magistrate's courts cases?

Mr. CONN: Do you mean the one in the province of Quebec?

Miss LAMARSH: Yes. There is one in the Supreme Court.

Mr. CONN: In this connection it was considered that an appeal would not be necessary, since the magistrate set forth the remedy in his judgment. In this case it was held that until, either by regulation under section 72 of the Indian Act, or by by-law under section 80 of the Indian Act, the dominion occupied the field, that the Quebec legislation would prevail. A suggestion has been made to the band affected that they should enact a by-law which is within their competence under section 80 of the act, in which case the magistrate's decision held that the provincial legislation must vacate.

Miss LAMARSH: Unless you have this decision appealed, it will bind any other magistrate in the future.

Mr. CONN: Yes. This is binding in the province of Quebec, but not in other provinces. Do you know, Quebec is a non-treaty area. I might have mentioned also that there is under consideration at the present time by the department the advisability of whether a simple regulation under section 72 should be proposed, making it an offence for any person other than an Indian to hunt on an Indian reserve.

It has been suggested that the mere fact that the dominion occupies this field of legislation would clear the field in the province of Quebec and in British Columbia, as well as in respect to all Indian reserves across Canada.

Miss LAMARSH: How long ago was that suggestion made?

Mr. CONN: Just last summer, the summer of 1960.

Senator STAMBAUGH: Did you say there are no treaties governing Indians in the province of Quebec?

Mr. CONN: That is right.

Miss LAMARSH: I understand that many of these treaties are not available, that the department does not have any copies of them. Is that true?

Mr. CONN: A new supply was printed by the Queen's printer just a short time ago.

Mr. H. M. JONES (*Director of Indian Affairs*): We printed hundreds and hundreds, and distributed them widely throughout the treaty areas.

Miss LAMARSH: Does this little booklet which has been distributed to the members of the committee, which is entitled "Indian treaties" include all the treaties?

Mr. JONES: Yes.

Miss LAMARSH: Does it include all that have ever been, or just those which are still considered to be in existence?

Mr. JONES: These just include the ones which are operative. Some of the old ones are not included in there.

Miss LAMARSH: I requested a copy of the Gunshot treaty from the department and I was told that there were only two or three copies in existence.

Mr. FAIRHOLM: What we have printed here, and what the committee members have before them, are those treaties which are more or less of a continuing nature. I think what you had in mind concerning the two volumes which you received, were the old treaties and surrenders which covered the early negotiations that were entered into by the crown and the Indians covering that part of Ontario which might be regarded as eastern and southern Ontario, which provided among other things band annuities, which were capitalized just shortly after confederation. Most of those early treaties do not contain any provision of a continuing nature; they were outright surrenders of the land for compensation paid at that time. That is the main kind of surrender that was contained in those documents that you received and which were turned back to the department a few weeks ago.

Miss LAMARSH: I want to inquire particularly about that Gunshot treaty, because it is of great interest to people in southern Ontario. They are always asking for copies, and I do not think they are available.

Mr. CONN: I believe I covered the Gunshot treaty in this submission, and I think I made the statement that the narrative style of this document indicated the impossibility of its being part of a treaty.

Miss LAMARSH: Is it the department's information that this never has been tested in the courts?

Mr. CONN: Yes, that is correct. The quotation is:

When George III sent out Lord Simcoe as his representative to govern Canada, he made a treaty with the Indians at the Bay of Quinte.

Miss LAMARSH: But, the Gunshot treaty takes about ten pages of these books; it goes on and on and on, and am I correct in saying that it is not readily available to anyone who requests it?

Mr. CONN: I think all treaties are available to authorized persons although they may not have been distributed to the general public.

Miss LAMARSH: But suppose an Indian writes in and requests a copy of the Gunshot treaty; is it available?

Mr. CONN: Yes.

Miss LAMARSH: How is it available?

Mr. C. I. FAIRHOLM: I can answer that in this way: I can recall personally that within the last year we have had perhaps a half dozen requests for what is commonly known as the Gunshot treaty. On each occasion that it has come to my attention I have had a photostat made of these pages of this particular book, and we have sent the photostat to the individual requesting it. In reading

it, I am sure you will agree with me that it is not a very readily understandable one. It seems to be a strict conveyance of land, and nothing more. That is what is done in the case of an inquiry for this particular document. As I say, we have the photostat made and send it out to those who request it.

Miss LAMARSH: That is a pretty expensive way of duplicating a document, is it not? It certainly would be, if you had a lot of requests for it.

Mr. FAIRHOLM: In the last 12 years that I have been in the department, it has only been within the last two years or so that these requests have become very noticeable. It has been very recent.

Miss LAMARSH: May I inquire if the department, as a general policy, has the courts interpret such questions as to whether or not the Gunshot treaty, so-called, is in fact a treaty, or whether you simply leave it until you in the department are involved in some way? In other words, what I mean is this: Does the department attempt to have any of these regulations decided or interpreted through the courts?

Mr. FAIRHOLM: I do not know of any recent references to the Supreme Court to determine what a particular treaty might actually involve in connection with any particular point.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): If there are no further questions on page one, we will proceed to page two.

Miss LAMARSH: In connection with the second page, it is conceded that when Jacques Cartier took possession, the Indians were absolute owners of this country. Is this because all governments always have acted as though indigenous populations did in fact, own the land, particularly nomadic tribes? I cannot see how that could be a modern-day interpretation.

Mr. CONN: It might have been more accurate if I had gone back another five years in history, before Cartier got here, and there were no other claimants. However, I think the general principle was that the Indians did own these territories, since nobody else had ever seen them or had laid claim to the land.

Miss LAMARSH: But, in a physical way, they were not in possession of all the land. As I understand it, when the white men came here there were only about 200,000 Indians in the whole of Canada, and some of the land, such as Newfoundland, did not have any bands at all.

Mr. CONN: Oh yes, there were.

Miss LAMARSH: At least, there are not any now.

Mr. CONN: No, but there are two points inherent here. There is a very popular misconception that the land was unoccupied. Take the Patricia district of Ontario, under treaty 9, for example. Just because there are only some 3,000 Indians there, does not mean that they could not possibly be occupying 25,000 square miles. They are occupying it, and every inch of it, spasmodically and periodically. They all have their own trapping grounds. All of Canada was quite well bounded, as between ownership of the various tribes, bands and families.

Miss LAMARSH: So they were moving across almost all of continental Canada?

Mr. CONN: As far as I know. When we started working on the fur development program, we used, as a basis for organization, the Indian band and family system of occupation, and we found that Canada was uniformly occupied by the Indians. They did not cultivate the soil, but they did harvest all the resources which were of value to them.

Mr. McQUILLAN: Did that extend northward, as well?

Mr. CONN: In all of the timbered country within the treeline, where Indians are found. The barren lands were occupied by the Eskimos. There was no section of Canada which was not visited by either Indians or Eskimos.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): I am informed by members of the department, Miss LaMarsh, that if you do desire a few copies of that treaty which you mentioned, they will be glad to furnish them to you.

Miss LAMARSH: Well, as far as I am concerned, I have a few made up.

Mr. CONN: I think, Mr. Chairman, that the surrender referred to in the Gunshot treaty is of little value, particularly in the present context of fishing, hunting and trapping.

Miss LAMARSH: But, where it is of little value to someone else, it is of great interest to the Indians.

Mr. CONN: If I may say so, they did reach an understanding with Governor Simcoe, and somehow in the burning of York and the shifting of the capital, the actual memorandum of the document which Lord Simcoe negotiated with them has been lost. I have searched the records, when doing research, looking for something authentic that would bear out their contention, because I have to meet with these people and explain our position in connection with that treaty.

Miss LAMARSH: Are most of the documents contained in these two volumes? The original documents are not in existence.

Mr. CONN: I went beyond that, to the journals of the various superintendents general of Indian affairs, including Sir John Johnson. Also, I went further to the journals of Governor Simcoe but was unable to find anything to either substantiate or disprove the Indian contention.

Miss LAMARSH: Did you make inquiry beyond Canada's limits? These are officers of the British crown.

Mr. CONN: No, I did not have access to any of the documents in the British library, but I searched all the available records here in Canada. However, I think we can agree that this meeting was held.

In so far as our present study is concerned, it is actually immaterial, since in the Chippewa-Mississauga treaty the people who had those rights, surrendered them and were compensated.

Miss LAMARSH: It seems incredible that after 100 years we have not been able to find the originals of some of our first treaties. As far as you know, have any inquiries been made in the colonial offices in Britain, to see whether there are copies there?

Mr. CONN: I could not answer that. All I can say is that I did not have the opportunity of inquiring further.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If there are no further questions on page two, we will proceed to page three.

Mr. McQUILLAN: What is the reference to this Crawford purchase? I have forgotten.

Mr. CONN: This was the motivating force between this meeting between Lord Simcoe and the Indians. The Crawford purchase described the distance covered by the front of the purchase, from near Toronto down about to Kingston, and it did not mention any back boundary. It could just as well have run through to the North Pole.

However, in connection with this treaty, the back boundry, as arranged between Lord Simcoe and the Indians, would be the distance a gunshot would be heard on a still day, which would make it about 12 miles in depth. However, this, again, is a supposition, and we cannot find anything to authenticate

it. There are two theories in regard to the name of the Gunshot treaty. One I have mentioned; the other was that there was a provision, in connection with the payment, that shot and ball be given out as part of the payment, and that this is where it got its name. There are these two conflicting stories with regard to the treaty, and neither of them can be established or denied.

Miss LAMARSH: Since we, ourselves, are so short of these different records, do the Indians, in this case and others, have any system of records, or has this been handed down in the past from generation to generation by word-of-mouth? Do they have any written records?

Mr. CONN: In this case there is no record. In some other cases the Indians have an original parchment copy of the treaty.

Miss LAMARSH: Well, the Indians did have a form of writing, did they not? Is it not picture-writing?

Mr. CONN: Not all of them did. This was confined to a few of the western Indians.

Miss LAMARSH: Southwestern or United States?

Mr. CONN: Yes.

Miss LAMARSH: There was no system of keeping records at all?

Mr. CONN: No.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If there are no further questions on page three, we will proceed to page four.

Mr. STEFANSON: You referred to treaties Nos. 1 and 2 as the Stone Fort treaties, and in those treaties there is no mention of hunting or fishing privileges being granted. Those are the only two that exclude that.

Mr. CONN: Yes.

Mr. STEFANSON: You refer to treaties one and two in which there is no mention of hunting and fishing privileges being granted to Indians. Are those the only two treaties which do not include hunting and fishing privileges?

Mr. CONN: Yes, but in that regard I would like to mention that treaties one and two are within the area covered by the Manitoba resources transfer agreement, and that no provision was made in that agreement for the fact that there was no provision in the treaties for hunting and fishing.

Miss LAMARSH: Are there any reduced size copies of the map which is behind you available for members of the committee?

Mr. CONN: I imagine one could be reproduced, but it might take a little time. Do we have one like that, Mr. Jones?

Mr. FAIRHOLM: There are a lot of maps like that available, but you are asking for a reduced one?

Miss LAMARSH: I thought the large size might be too expensive.

Mr. JONES: You mean a small sized one like this?

Miss LAMARSH: Yes.

Mr. JONES: No, but I am sure we could arrange to have some made.

Miss LAMARSH: Whichever would be the cheapest.

Mr. CONN: Unless the committee considered that this size was too unwieldy, it would be quicker and easier to have this reproduced, since the boundaries of treaties are just superimposed on a standard map of Canada.

Miss LAMARSH: That size would be all right with me. I just thought it might be cheaper if it were smaller.

Mr. McQUILLAN: I would rather have a smaller one. I am sure that the surveys branch could produce a small scale one very quickly.

Mr. JONES: Would you care to indicate a size?

Mr. McQUILLAN: Oh, let us say a quarter scale.

Mr. JONES: We will be very glad to undertake that, and make them available.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are you agreeable as to the size, Miss LaMarsh?

Miss LAMARSH: Yes.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are there any questions on page four? If not, on page five?

Mr. McQUILLAN: I have a question on page four. It is in reference to this right to hunt and fish on lands where there are timber leases or licences, or other forms of leases and licences for a long term or a short term. Are the Indians' rights still recognized in those areas, or is it suggested that they have first to obtain the consent of the holder of the lease?

Mr. CONN: That would depend on the terms of the lease. If the title to the land has not passed from the crown, the timber lessee, for instance has no title to the land, but merely the right to harvest the timber resources. There is no conflict between the timber operator harvesting the timber resources and Indian harvesting the game resources at the same time.

It is generally held that unless title to the land is passed from the crown, that Indians have rights in the area of the timber leases, or grazing leases, and things of that nature.

Mr. McQUILLAN: Would that apply to British Columbia or not?

Mr. CONN: Since there are no treaties in British Columbia I have no precedent to go on, and I would not care to express a definite opinion. But in general principle, any rights which the Indians had to take the game resources would not be affected by the fact that somebody else had the right to harvest the timber. That is, generally, the position which is taken.

Miss LAMARSH: On that page you say that there is no material indicating the legal status of Indians as long as the Hudson's Bay Company charter was in effect. Was there not any reservation made in the charter of the Hudson's Bay Company with respect to any rights which the Indians had?

Mr. CONN: The Indians were not considered to have any rights. The Hudson's Bay Company were given full sovereignty over the territory. But we do know that the Hudson's Bay Company's purpose was to acquire the results of the development and work of the Indians, so we may assume that the Indians were not in any way restricted from hunting, trapping, and fishing throughout the whole area.

Miss LAMARSH: Do you know on what basis Lord Selkirk negotiated with the Indians when he brought in his settlers?

Mr. CONN: Yes, there is a record of that in the department, but I do not recall the exact payment he had to make.

Miss LAMARSH: Why did he do it?

Mr. CONN: Because Lord Selkirk got his grant from the Hudson's Bay Company, and the Hudson's Bay Company required that before he took up any of this land for settlement, he would have to make some arrangement with the Indians.

Miss LAMARSH: So there would seem to have been an acknowledged right on the part of the Indians which did not legally exist in the charter.

Mr. CONN: That is right. And later, in the deed of surrender, the company sought assurance from the dominion that the dominion would also recognize that principle.

Miss LAMARSH: Did Lord Selkirk have to make any commitment of a continuing nature, or were these outright surrenders of rights to the Indians to Lord Selkirk and his settlers?

Mr. CONN: I think this was an outright surrender, but I would not be too positive about it. However, that is my recollection of the document which I read some time ago.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are there any other questions on page four? If not, page five?

Miss LAMARSH: At the top of page five there is a reference to the Blackfoot treaty. Was there not some litigation arising out of this?

Mr. CONN: The litigation arising out of the Blackfoot treaty was with respect to the supply of ammunition and nets.

Miss LAMARSH: Was the federal government not sued for a very substantial amount because of the abnegation of their rights?

Mr. CONN: Yes.

Miss LAMARSH: What is the status of that action now?

Mr. CONN: It is before the exchequer court.

Miss LAMARSH: There has been no determination as yet?

Mr. CONN: No.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are there any other questions on page five? If not, page six?

Mr. McQUILLAN: Going back to page five, we have heard a great deal about the fact that the Indians' titles in the area west of the rockies have never been extinguished. Does the department consider that the title to that land was extinguished by virtue of the Hudson's Bay grant?

Mr. FAIRHOLM: The Hudson's Bay grant did not extend to that particular area. The old Rupert's Land grant did not extend to the Pacific coast. It covered those waters draining into Hudson Bay.

Mr. McQUILLAN: What is the basis upon which you deal with Indians on the west coast, then? Is it simply because the British North America Act gives to the federal government responsibility for the Indians?

Mr. FAIRHOLM: I was just wondering. This was discussed the other day, and it was suggested that the British Columbia Indian land question be added to the list to be discussed at some particular time. I think it was at a steering committee meeting. This might come following Mr. Brown's presentation upon enfranchisement, and it might be appropriately left until then, if one special time is going to be devoted to this particular matter.

Miss LAMARSH: Also, on page five, there is a reference to a commission of 1923 which dealt with the treaties of 1923, but there is no reference as to what this commission was, or as to where we might find the full report.

Mr. CONN: The treaty was the Chippewa and Missisauga treaty.

Miss LAMARSH: It is called number eleven.

Mr. CONN: The reference number is eleven, and in the documents I reproduced only the preamble to indicate that the only claim being made by the Indians was to the hunting rights.

Miss. LAMARSH: Who set up this commission?

Mr. CONN: It was set up jointly by the province of Ontario and the dominion.

Miss. LAMARSH: Is that the only one within this century where the bands have been paid a substantial amount for any rights which they had?

Mr. CONN: Yes, this is the only case where the Indians were compensated for the hunting and fishing rights which were residual to the original surrender.

Miss LAMARSH: So if there were any surrender by the west coast Indians of any rights, if any of these rights have been abrogated, they might have a claim against the government?

Mr. CONN: That might be possible.

Miss LAMARSH: I am not just looking for business, because I cannot practice out there.

Mr. CONN: It might be possible, but it is beyond my competence to express an opinion. The commission in this case consisted of the Hon. Charles Stewart, on behalf of the dominion, and Mr. Beniah Bowman, on behalf of the province of Ontario. They are the ones who signed the agreement in connection with the Mississauga treaty.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any questions on page six?

Mr. MCQUILLAN: On page six reference is made to the transfer of resources in 1930. At the same time there was a belt in British Columbia along the railway, which had been reserved for the railway, but never taken up by them, and it was transferred at the same time. I do not want to get into the British Columbia question, but there is a question in my mind as to the Indians' rights in that railway belt.

Mr. FAIRHOLM: If I might state briefly, I did take a look at that transfer, since it was set out in an act of parliament; and there was provision in it which did protect the Indians, I think, so far as reserves are concerned, and the rights of Indians thereto. But this could be clarified further because, I believe, it is set out in legislation. There is one particular area. I think it was the Peace River block, and the Twenty-mile Railway belt.

Mr. MCQUILLAN: Yes; that is right, the Peace River block, and the Twenty-mile Railway belt.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any questions on page six?

Miss LAMARSH: I do not recall where it occurs, but there was a reference made by a witness to the fact that an interpretation has been made that the treaties are only agreements, and are not treaties, for example, as with a foreign power, as they have been treated in the United States. I recall, before I became a member of this committee, that there was some difficulty in the Brantford area during the last couple of years, where the people of that reserve were taking the position that they were a foreign power, and were therefore entitled to treat with Her Majesty themselves, and that they were not part of Canada.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): I think that comes up on page twelve.

Miss LAMARSH: I am sorry. I had better wait until we get there. But it takes me so long to frame a question.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any questions on page seven? Or if not, on page eight?

Miss LAMARSH: What are the annuities which are referred to in the last line of the first paragraph on page eight?

Mr. CONN: In the formal treaties, provision was made for an annual payment on a per capita basis in perpetuity to the Indians who signed the treaty. Generally speaking it is \$5.00 a year, but in the case of treaty number nine, it is \$4.00.

Miss LAMARSH: That is paid out of provincial funds?

Mr. CONN: Under treaty number nine the province reimburses the dominion for the amount actually paid out to the Indians. There is no charge for administration and distribution. But in the other treaty, it is a statutory item in the department's estimates.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would it be the wish of the committee to adjourn now until 2:30 this afternoon?

Mr. MCQUILLAN: I wonder if it will be possible for us to have a copy of these reports?

Mr. FAIRHOLM: I think it would be possible. I have the statutes here. They are all set out in the revised statutes of Canada, 1952, Volume six, and it will be available.

AFTERNOON SESSION

THURSDAY, May 11, 1961

The JOINT CHAIRMAN (*Mr. Grenier*): We now have a quorum. We will continue questioning Mr. Conn, and we are at page 8 in the brief.

Mr. BADANAI: Mr. Chairman, after reading the brief and listening to the discussion up to this point, it seems to me that there are some misunderstandings in some of the reservations in regard to the rights of the Indians in certain fields, such as hunting and fishing rights.

I think there should be some recommendation from this committee for an amendment asking that these rights be clearly defined in order to eliminate all the inconsistencies involved. In fact, in nearly every treaty there seems to be different arrangements, understandings and regulations. I think there is need for a comprehensive revision of these rights so that everyone will understand them.

I think this is a very fine submission, and the Indian affairs branch should be very highly complimented for bringing these matters before the committee in such a concise and clearly defined form. Every detail has been covered.

Miss LAMARSH: Do you mean there should be an amendment to the treaties?

Mr. BADANAI: An amendment in the Indian Act. I do not suppose you can amend the treaties. Some of the treaties are not clearly defined, in so far as interpretation of them is concerned. They place different interpretations upon them in different jurisdictions. Even the judges do not appear to be of the same opinion on certain things and certain matters in regard to Indian rights.

Senator MACDONALD: Could the director say a word which perhaps would clarify it?

Mr. JONES: I was just trying to visualize what action the committee could take, beyond a recommendation.

Mr. BADANAI: Of course, that is all I mean.

Mr. JONES: The fact has just come to mind that the provinces have control of the natural resources and wildlife. I agree with you about the inconsistencies. I do not quite see an amendment to the Indian Act, but any recommendation that the committee would give would certainly be studied by us.

Miss LAMARSH: If, as mentioned on page 12, the court's view is that these treaties are not treaties with foreign powers but merely agreements between parties, I think these agreements might be renegotiated on an equal basis all across Canada. That is, provided you could get the band to

come across with it. On the other hand, if the American view is adopted that these treaties were with sovereign states and with the dominions, then I suppose there is not as much likelihood of their being changed. If they are just ordinary agreements and you cannot get the bands to renegotiate them, I suppose it is possible to do the same thing as the Saskatchewan government did with respect to the oil and mining rights recently—legislation which was not disallowed—just change them.

It is likely that parliament has that power, though it is not a very popular one to use. Would there be any likelihood that, with amendments to certain portions of the Indian Act to which all the bands seem to object, they might give up their treaty rights entirely and just scrap all the treaties?

Mr. BADANAI: They would never agree to that.

Mr. JONES: I do not think we have reached the stage yet where we can say that the Indians would give up their treaties voluntarily in place of something else. I think that is something for the future.

Miss LAMARSH: I suppose that is because parliament can amend these things every year, and because they might give up their treaties for something and then next year they would lose that again.

Mr. JONES: The treaties are something quite precious for them, that they cling to. A number of Indians feel that they represent a good deal. Mr. Conn is better able to make that point than I am. I am of the opinion that the provinces might not welcome any re-opening of this. From what we know to date they are watching these rights of the Indians in the western provinces. In regard to the case Mr. Fane asked about the other day, the case at Edson where the Saddle Lake Indians shot the moose, that did not go too well with the provincial authorities. The Indians won their case. I do not know if Mr. Conn would agree with that.

Mr. CONN: I do, quite emphatically. In this particular case the moose meat and elk meat have been seized by the province under the terms of their game act, and the court held they had no right to do so, that the Indians had a perfect right to hunt for food on unoccupied crown lands. The province found themselves in the position of having to pay the Indians for the game seized under the game act. It amounted to some \$2,000. It was not a small thing.

As a sidelight, I may say the case was settled out of court. The department had proceeded on behalf of the Indians by petition of right, but the attorney general for Alberta would not let it go to trial. He suggested to the game department that they settle with the Indians out of court.

Miss LAMARSH: Is not the whole question of treaties merely the rock upon which integration falls? As long as these treaties are in existence, surely the whole feeling of the Indians is to protect these rights, to have the position where the paternalistic attitude must be fostered. They do not have to stand on their feet; they are getting special concessions, whereas if the treaties were gone, the Indians of Canada would then be on equal footing with other Canadians. Therefore, supporting the treaty, it is inconsistent and against the policy of integration which the branch or the minister has enunciated as the policy of the branch. Is not that true?

Mr. JONES: I think there is a lot in what you say, but I think the treaties will be needed as long as Indians feel they are necessary.

Miss LAMARSH: There is not any way of getting rid of them, unless the Indians are prepared to give them up.

Mr. JONES: Certain amendments to the Indian Act will have caused them to fear that someone will change them over from Indians, and that they will lose their status. They love their lands, they love their reserves, and those who

still like to live on reserves feel that the treaty is a guarantee made by Queen Victoria. I am sure that the co-chairman could develop this theory a lot better than I can.

Miss LAMARSH: It is this very feeling that was against the policy of integration, surely.

Mr. JONES: Not entirely. I think the younger generation, through the integrated school program, is automatically working towards integration.

Miss LAMARSH: Is it your experience that those who are of younger age and who are going through integrated schools are less reliant on their treaty rights than their elders?

Mr. JONES: Possibly the younger generation, after having read the treaties, realize that there is not possibly as much there to fall back on as probably the older generation feel there is. The land is there, but the annual treaty payment of \$5 really does not mean much in dollars.

The JOINT CHAIRMAN (*Senator Gladstone*): I think they feel that that token of \$5 under the treaty is something like what you feel about your sovereign right. It is their sovereign right.

Miss LAMARSH: I do not think I have any sovereign right.

THE JOINT CHAIRMAN (*Senator Gladstone*): They were subjected when they had the whole country. Everyone respected their own domain amongst themselves, but when they were subjected they lost that. As to the little piece they have now, they are going to keep their claim to it, and rightly so.

Miss LAMARSH: It is not the Indians we are dealing with today who had those rights. It was their ancestors who had them. My ancestors owned all the west, too.

THE JOINT CHAIRMAN (*Senator Gladstone*): The younger people, perhaps, are being more stubborn than the older people.

Miss LAMARSH: More stubborn?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes.

Mr. CONN: I would point out that the date of the Mackenzie treaty was 1921. The adhesions to treaty nine ended in 1930. There are still Indians in the prime of life, in full possession of their faculties, who were there at the original meeting. Some of the original signatories are still alive, so we cannot treat this as being some nebulous arrangement between the Queen and some long gone savages. These are authentic documents negotiated, in some cases, with the present generation of Indians.

Miss LAMARSH: Even in 1930 it was the policy to go on making more treaties and creating special rights then?

Mr. CONN: I would like to make one more point: while it is perfectly true that treaties might be considered in such places as Brantford and the settled areas of Ontario as being a deterrent to integration and perhaps in other industrial areas, nevertheless, in the north for the people I work with, this is a way of life. Any cessation of privilege or any restriction means hardship, while complete prohibition would mean starvation. The Indians are doing all the things which they are forbidden to do now, but only by tolerance.

Miss LAMARSH: Surely what we are trying to do by the Indian Act and by its amendments is the wrong thing to do. They should not be treated as if they were one group of people with the same economic status and the same degree of education. There ought to be something we could apply to those who are more advanced culturally and economically, as compared to those who have not yet reached that stage.

Mr. CONN: In my submission I have attempted to bring out that the only ownership in the land of Canada which remains with the Indians is the reservation of his right to hunt, fish and trap. This is the only thing they reserved to themselves, and I think this could be continued without detriment to the non-Indian population.

Speaking personally, it means absolutely nothing to me, in 1960, if the government should decide to close the season on every animal and fish in the country. I hunt only in order to eat. Yet such a prohibition 20 years ago would have resulted in my starving to death, the first year I was on this job.

Miss LAMARSH: However, these rights are not reserved to all Indians. The brief mentions treaties one and two, where they do not have these rights.

Mr. CONN: Those two particular treaties have even stronger rights in the Resources Transfer Act.

Miss LAMARSH: What about the non-treaty Indians, those in the east and in the far west?

Mr. CONN: Then they did not have any treaty rights. They are in no special position.

Miss LAMARSH: You say there are no special arrangements for their hunting and fishing?

Mr. CONN: That is right.

Miss LAMARSH: Are there not many of them who need the same rights?

Mr. CONN: Oh yes,

Miss LAMARSH: As the treaty?

Mr. CONN: Yes, very much so.

Miss LAMARSH: So your submission is that the act should be administered so as to secure for treaty or non-treaty, to all reserve Indians, the same right to hunt and fish?

Mr. CONN: Yes.

Miss LAMARSH: Commercially or for food?

Mr. CONN: For food.

Mr. McQUILLAN: Mr. Chairman, I thought this was supposed to be a joint committee. It looks to be rather one sided now.

The JOINT CHAIRMAN (*Mr. Grenier*): We still have Senator Gladstone with us.

Mr. McQUILLAN: I was wondering if you find that in the areas where the Indians have become integrated—to use a word which is used so much—whether they are living in areas in big cities or established communities, where they become integrated in the schools and in employment, do they take any particular interest in fishing and in sport game hunting? I know they would not use it as a source of food, but do you have any demands from them with respect to their rights for hunting and fishing privileges? I am speaking not about those who require to seek food or to fish for their livelihood, but those who might use it as a means of recreation.

Mr. CONN: Yes, Mr. Chairman. In such circumstances we find that the Indian becomes somewhat the same as his non-Indian neighbour. We have, for instance, a case in Montreal where an Indian is agent for General Motors. He goes way in the fall to hunt with his non-Indian friends. But that is all he is interested in.

Mr. McQUILLAN: That is somewhat different to the point I was getting at. He is quite willing to accept the laws of the province probably. But I am thinking of Indians in the area where I come from, along the coast. I cannot recall any of them doing much hunting, either for food or for sport.

Mr. CONN: Yes, I agree. But even in those cases it has been my experience that the Indians are very jealous of their right to hunt. Whether they intend to use the full right or not, they are jealous of that right.

I know of a case in point where what almost amounted to a civil war extending over half a century, concerning the spearing of pickerel during the spawning run in the spring. When the Indian Act was amended in 1951, it gave the band council power to enact by-laws. These people met with members of the branch and the department of lands and forests, and insisted on their right to spear these pickerel. Nevertheless they enacted a by-law which would ensure that the Indians did not abuse that right. The Indians are allowed to spear four pickerel a day, under the terms of their by-law. So you see that while they were interested in preserving their right to spear these fish, they still recognized the fact that these fish were not exclusively theirs, and they put a very severe restriction on their people. I think that answers your question.

Miss LAMARSH: May I ask Mr. Conn a question? In order to give all Indians the right to hunt and fish for food, I take it that this would require an amendment to the Indian Act which could not apply under the present situation to Manitoba, Saskatchewan and Alberta, because they are subject to transfer agreement. You would have to do something special about that. And it could not apply to the territories where there is something special giving them the right, or limiting them to such species as are not in danger of becoming extinct. So there would have to be an amendment there. And it also would require us to renege on the international migratory birds ordinance, because that abrogated their right to shoot birds. And in addition it would require the repayment by the Chippewa-Missisauga Indians of one-half million dollars, if they should give back their rights.

Mr. CONN: That may be the case.

Miss LAMARSH: All these things would have to be done. It could not be done by simply amending the Indian Act.

Mr. CONN: In the case of Manitoba, Saskatchewan and Alberta where the Resources Transfer Act is in existence, there is no need for any action whatever. The Indians' rights are well established in these acts, and are very clearly defined.

Miss LAMARSH: But suppose you wanted to equate it now and give every Indian in Canada the same rights, what would you do?

Mr. CONN: This is what is regarded as the true interpretation, and this is continued in the treaty. Under the Resources Transfer Act, the Indians are perfectly satisfied that this is so, and that what was promised to them would continue. I mean their right to hunt or fish on occupied crown lands, or on other lands to which they have the right of access. Such lands would include occupied land with the consent of the owner. It seems to me that to extend this to other treaty areas would require the same interpretation being placed on the treaties in Ontario. Ontario would have to agree before that same interpretation could be placed on their treaties. As in Manitoba, Saskatchewan, and Alberta. It would have to apply to treaty nine and the Robinson-Huron treaties in Ontario.

Miss LAMARSH: Those two last treaties you referred to are treaties between federal representatives and the Indians, are they not?

Mr. CONN: No. Ontario, by agreement in 1894 became a party to the subsequent agreement, that is, to the James Bay treaty, and the Chippewa-Missisauga. They also accepted the Robinson-Huron, and the Robinson-Superior treaties.

Miss LAMARSH: Why are they referring to them?

Mr. CONN: It is a question of interpretation rather than requiring any change in legislation. If Ontario would agree that the interpretation of the treaty in the resources Transfer Act was a proper one, this would take care of Ontario.

Miss LAMARSH: Is there any way by amendment to the Indian Act we could either agree or not, since the federal government has still the right to amend the British North America Act? Could you not just write in that interpretation?

Mr. CONN: The thought I expressed—

Miss LAMARSH: I do not know enough about what would happen if the parliament of Canada and the provincial assemblies have ratified a treaty, as they have in this case. Surely they could choose to get out of it later on, but how is it done? Since parliament can do everything but change a man into a woman—or, at least it is supposed to be able to do it—they should be able to get out of a treaty.

Mr. CONN: My thought in this question was that there is, beyond doubt, authority vested in parliament to wipe out these treaties completely, if they wish to do so.

Miss LAMARSH: You think so?

Mr. CONN: The question is a moral one. Should they, or should they not be treated as mere agreements, or carried out with the exactness and which honour and good conscience dictate. We have made these promises to the Indian people, and we must do our part in interpreting them and guaranteeing that they are kept.

Miss LAMARSH: This opens up a new line. You say that in your opinion—I take it is a departmental opinion based on some legal advice anyway—that the parliament of Canada can scrap them?

Mr. CONN: That suggestion was not made so much in connection with the treaties as in connection with life in Canada generally, and that parliament is competent to enact almost anything it wishes.

Miss LAMARSH: Let us try to get at this more clearly. Is the department of the opinion that the treaties cannot be changed, or do they believe that they can be changed by parliament?

Mr. CONN: That is rather a difficult question to answer in that way, because other departments would submit such a question to the department of Justice.

Miss LAMARSH: Surely such a question must long ago have been submitted to the department of Justice and answered.

Mr. CONN: Not that I am aware of.

Miss LAMARSH: Do you say that your department does not know whether you are stuck with the treaties or not?

Mr. CONN: I think the term "stuck with the treaties" hardly expresses the department's attitude towards them.

Miss LAMARSH: Let us not play with words.

Mr. CONN: We think that in their place they are a good thing for the Indian.

Miss LAMARSH: Does the department think they are required to live under the treaties unless or until the Indian signatories are prepared to re-negotiate them, or does the department believe that it could unilaterally scrub out the treaties if it wishes to do so? By department, I mean, can parliament scrub them out?

Mr. CONN: I do not think there is any doubt that it is within the competence of parliament to wipe them out unilaterally.

Miss LAMARSH: This is based on a legal opinion, or upon the decisions of the court, or what?

Mr. CONN: No, it is a personal opinion, but is is pretty soundly founded in Canadian law. I do not know of anything that parliament is not competent to enact.

Miss LAMARSH: I do not blame the Indians for being scared, now.

The JOINT CHAIRMAN (*Senator Gladstone*): If you should look back and see the declaration of prime minister after prime minister, you would find the answer yourself in the records.

Miss LAMARSH: I do not think that the opinion of a prime minister is regarded by parliament as being any more valid than the opinion of a private member.

The JOINT CHAIRMAN (*Senator Gladstone*): Parliament can change anything, except changing a man to a woman, as you said a few minutes ago.

Miss LAMARSH: That is one thing they cannot do. This, perhaps, may account for the obvious feeling of insecurity among the representatives of the various bands of Indians, and why they make such a great point about all this, "as long as the grass grows and the sun shines".

Mr. CONN: I believe I made the suggestion on page ten. We were dealing there with provincial legislation, and I was referring to the committee, perhaps, suggesting a strengthening of the principle set out in section 87 of the present Indian Act which provides that subject to the terms of any treaty, the laws of general application apply to the Indians. The suggestion was that it might possibly be clarified to make the position of parliament with respect to Indian treaties clearer than it is in that section, or than it is at the present time.

Miss LAMARSH: When was the migratory birds convention brought about?

Mr. CONN: 1916.

Mr. McQUILLAN: Is this not a question of negotiating between the federal government acting in the interest of the Indian with the provinces to establish the rights of the Indians within these provincial boundaries as regards the right to hunt and fish? Is that not about as far as we can go in our recommendations?

Miss LAMARSH: How so? Can we not recommend anything we want? Nobody has to accept it.

The JOINT CHAIRMAN (*Mr. Grenier*): There would be no use for the committee to make representations which cannot go any further than the door.

Miss LAMARSH: There would not be any point in making a recommendation to a provincial government.

Mr. McQUILLAN: Definitely there is a point in making a recommendation to a provincial government. I suggest this committee should go so far as to recommend that negotiations should be initiated between the federal government acting on behalf of the Indians and the responsible provincial authorities, to fix the rights of the Indians as regards hunting and fishing for food, and hunting and fishing privileges which they might feel are theirs, under the treaty within provincial boundaries.

The JOINT CHAIRMAN (*Mr. Grenier*): I do not think the committee can go any further than that in its recommendations.

Miss LAMARSH: Except in so far as it can recommend changes in federal legislation.

The JOINT CHAIRMAN (*Mr. Grenier*): Oh yes.

Mr. CONN: In the statement on page ten we turn to the field of federal legislation.

Miss LAMARSH: May I ask the witness about page 14 where he says "removal of the present inconsistencies is an essential first step"; and I would ask what process he recommends?

Mr. CONN: I believe the committee has covered the application with regard to provincial legislation, and that all that can be done is to discuss the question with the provinces. But in the field of federal legislation, all of which comes under parliament, it is assumed that a recommendation of the committee could lead to the correction of any inconsistencies with respect to federal legislation.

Miss LAMARSH: I assume from that view that members of the joint committee are going to sit down to decide what recommendations should be made. I assume it will be some official of the department who will give them an idea, in looking over that federal legislation as to what things will have to be done, and I hope that he might give the committee some guidance.

Mr. CONN: In that connection I think we perhaps could refer to the interpretation placed on the treaties by the dominion government in negotiations with the province in 1929. That is the resources transfer agreement. As mentioned in the statement, it is my opinion that this is a completely impartial assessment of those promises. The Indians were not consulted, nor were they directly involved. The dominion government in transferring those resources, transferred along with them the responsibility—quite frankly it is a commitment to the Indians—and they expressed it in pretty precise legal language, which has stood up in court. I do not think I could do better than refer the committee to the phraseology of the Resources Transfer Act as a basis for any recommendation you might wish to make with respect to federal legislation.

Miss LAMARSH: You referred to the interpretation. I am not exactly certain that I understand what you mean. Is this a matter of policy of the Indians affairs branch that you use that interpretation rather than something which you may have used since, or do you mean that in amending existing federal legislation we should have regard to rights which were spelled out in 1929?

Mr. CONN: Yes. At the bottom of page 10 I am referring particularly to the decision in *Regina versus Strong Quill*, which is a comparatively recent one, in 1953. It states:

In my opinion the legislature has no power by unilateral action to define the language used nor amplify, extend, modify or alter the terms of the said natural resources agreement, nor to derogate from the rights granted to the Indians by the said agreement.

These are constitutional rights. I am quoting from the judgment reference in paragraph 25.

These are constitutional rights which can only be amended or interpreted as provided for in the *British North America Act 1867* and amendments thereto.

If a provincial legislature has no power to alter these bilateral agreements, then it follows that the dominion should, within its jurisdiction, not have the power to alter the bilateral agreements with the Indians. These should be observed in accordance with the same terms as they have imposed on the provinces in the Resources Transfer Acts. In other words, the dominion told the provinces of Manitoba, Saskatchewan and Alberta; "this is what we interpret the treaty to be," and the provinces agreed. Perhaps I may ask should not the dominion parliament now look at federal legislation and see if the same interpretation has been placed on federal legislation in this field?

Miss LAMARSH: I cannot see how the federal government can avoid that. After all, it is bound as much as anyone else. Was it a party to *Regina versus Strongquill*.

Mr. CONN: No, Regina versus Strongquill was the Indian against the crown, provincial. The department, of course, assisted but were not party to the action.

Miss LAMARSH: So you are making the position that the Queen in right of Saskatchewan might be bound but the Queen in right of Canada is not, and you think she ought to be?

Mr. CONN: That is right. If I may, I can give you an illustration of the Indians' position right now, with respect to these two types of legislation. It is a hypothetical case but, nevertheless, true.

As the law stands at present, an Indian could walk up to the shores of Sipiwesk Lake in Manitoba. He is hungry, not starving, and has food 25 miles away in his cache, but now he needs food for one meal. Swimming in the eddy to his left is a small sturgeon. Off the point, about 25 yards out, is one of these red headed merganser ducks and upstream is a female moose heavy with calf. What is the legal position of the Indian? He cannot catch the sturgeon or shoot the duck but he can shoot the moose. Is it any wonder we cannot, under those circumstances explain his position. The Migratory Birds Convention Act applies to the duck.

Miss LAMARSH: You are not seriously suggesting he does not catch the sturgeon or shoot the duck?

Mr. CONN: Not at all, but this is only by way of illustration of his legal position. That Indian lives in constant dread.

Miss LAMARSH: How do you get around this migratory bird's treaty?

Mr. CONN: Renegotiate it.

Miss LAMARSH: Do you know what is the position of American Indians under that treaty?

Mr. CONN: They do not have any special rights under the Migratory Birds Convention Act.

Miss LAMARSH: Do you know is this a bone of contention in the internal affairs of the Department of the Interior?

Mr. CONN: No, I have not heard so much, though occasionally we do hear of the discontent among the United States Indians. It might be a very difficult thing to renegotiate since it would have to be ratified by the United States Senate, which would mean that all the pressure groups for sportsmen would be seeking special privileges, and that would not do.

Mr. JONES: Is Mexico not a signatory as well to this?

Mr. CONN: No, Mexico subscribed to it for a few years but was not an actual signatory.

Miss LAMARSH: So it is just two nations?

Mr. CONN: Yes.

Miss LAMARSH: Do you think this might be a good thing to talk over with the President next week? Do you now have any negotiations been undertaken since 1916 respecting this point?

Mr. CONN: The Migratory Birds Convention Act was, I believe, amended in 1923, but not since that date.

Miss LAMARSH: Is there generally any sort of liaison between the Department of the Interior in the United States and your branch here?

Mr. CONN: Not on this type of thing but it is customary that the Migratory Birds Convention Act and the regulations come up for study every year at the federal-provincial wildlife conference, which this year will be held in Ottawa on June 15 and 16. The United States wildlife service always have a representative at that meeting.

Miss LAMARSH: To your knowledge, has this matter been raised at that conference?

Mr. CONN: On many occasions.

Miss LAMARSH: With what results?

Mr. CONN: None.

Miss LAMARSH: Were any resolutions passed?

Mr. CONN: The resolutions passed at that conference were the opposite to the recommendations I am making now. The provincial delegates, of course, predominate in that conference, since there are ten provinces and only one dominion, and on many occasions the provinces have suggested there should be some modification of the resources transfer acts.

Miss LAMARSH: From your experience, if Canadian Indians had a free right to shoot migratory birds, would this have a bad effect on the bird population?

Mr. CONN: I do not believe so. They are shooting them now but I do not believe the privilege should be extended outside of Indian reservations in the southern part of the country but, in the north, I think they should be allowed to do legally what they have done always, and what they need to do at the present time.

Mr. MCQUILLAN: In this respect the Indian is no different to the trapper, the prospector and the surveyor—I mean the non-Indian trapper, prospector and surveyor? They have certain right to shoot game for their food. Are they not somewhat the same as Indians in this respect?

Mr. CONN: The trapper, prospector and surveyor have the same need for it, Mr. Chairman, but they have not got the same rights other than with migratory birds. They have not got the same background of rights. With them it is a case of sheer necessity, but with the Indians we have this background of accumulated right of custom.

Mr. MCQUILLAN: I know that a free mining certificate issued in the province of British Columbia carries with it certain rights as to the taking of game for food, provided the prospector is a certain distance away from an available source of supply, such as stores, and so on.

Mr. CONN: It is completely within the competence of the province to extend that right to individuals but, of course, it is revocable. What I think in connection with the Indians is that this right should be permanent and irrevocable.

Miss LAMARSH: In connection with the distribution of powers and civil rights between the federal government and the provinces, you say that the decision apparently seems to support the contention that Indian civil rights are the responsibility of the federal government?

Mr. FAIRHOLM: If I may interject, Mr. Chairman, probably the difference is that Indians, and lands reserved for Indians are the responsibility, under the B.N.A. act, of the parliament of Canada and wildlife resources generally are the responsibility of the provinces. The reason for the Natural Resources Transfer Act, is that this responsibility over resources was withheld at the time the provinces were established, and it was not attended to until 1930 and, in the turning over, these reservations or provisos were written into the statutes of the day. You have the distinction of the federal government or federal parliament having certain powers in regard to Indians and lands set aside for them, and the provincial authorities having control of the wildlife and of all the other resources within the provinces.

Miss LAMARSH: This brings up another point. Several of the bands who had representatives appearing before this committee, dealt with licences for

hunting and fishing. As I understand it these Indians are off crown lands and off reserve lands. In the province of Saskatchewan the question was raised in regard to their rights to come in on private lands, but they cannot come in on them without having provincial licences to hunt and fish.

Mr. CONN: There is no place in a treaty area where an Indian is required to have a licence to hunt and fish. It will be noted throughout the treaties that an Indian is not given any exclusive right where he is given an exclusive right to trap over a given area, which is a commercial enterprise, then he is expected to pay the registration fee which is \$2 in Saskatchewan and \$5 to \$10 in other provinces. These fees are used to assist in financing the development program.

Miss LAMARSH: What about non-treaty Indians? Do they have to have hunting licences?

Mr. CONN: Yes. In northern communities, for instance, the game warden will go around issuing the trap line renewals. He will collect a registration fee from the Indians but, in addition, from the non-Indians and non-treaty Indians he will collect a provincial licence fee for hunting.

Miss LAMARSH: Maybe I am mistaken and, if so, my colleagues can correct me but, as I remember it, it was a Manitoba representative who said they were required to pay licence fees.

Mr. CONN: I believe Mr. Chairman, that reference was made in the Queen Victoria treaty protective association brief submitted from Saskatchewan. It is true that a registration fee is required in certain areas in Saskatchewan, but many of the Indian regard it as a licence fee. The fact that the registration fee is collected by the province makes them feel it is a licence fee.

Miss LAMARSH: But there is no licence fee for treaty Indians?

Mr. CONN: That is right.

Mr. McQUILLAN: What about the province of British Columbia? Do they respect the treaty rights in the Peace River area?

Mr. CONN: I have not heard of any problems there in recent years. On several occasions the department has paid the registration fees for the Indians in that area.

Miss LAMARSH: Why?

Mr. CONN: Because the areas were being left open, and there was a chance of someone else becoming registered if it were abandoned for more than one year.

Miss LAMARSH: Somewhere in a brief, I think it was a department official, indicated that the Department was paying licence fees.

Mr. JONES: I think I mentioned in Alberta that the branch pay all the licence fees.

Mr. CONN: The registration fees?

Mr. JONES: Yes.

Miss LAMARSH: Why just in Alberta?

Mr. CONN: This is a decision of long standing. It is an administrative decision in the department and it goes back to the days when the Rex & Wesley case was very much a bone of contention between the two departments. In order to protect the Indian's rights while the litigation was continuing, the department agreed they would pay the registration fees and hold the country for the Indians until the case was settled. As is often the case, that grew into usage and was carried on.

Miss LAMARSH: It has never been extended to other provinces?

Mr. CONN: That would, perhaps, be an appropriate recommendation for the committee. If the committee feel it is an abrogation of rights for the Indians to pay any fees—even for registration—then I think it could be a subject for recommendation.

Miss LAMARSH: But, at the moment, it is being done in Alberta?

Mr. CONN: Yes. It is on a wholesale basis by prior arrangement. I may add that on occasions of need and, where due to illness, or where an Indian is hospitalized and is not going to occupy his grounds, on such occasions the department pays his registration fee rather than see the ground relinquished and go to a non-Indian.

Miss LAMARSH: This registration fee is only for commercial purposes?

Mr. CONN: Yes.

Miss LAMARSH: Commercial trapping?

Mr. CONN: Yes.

Mr. McQUILLAN: That might be a dubious recommendation to make in view of the Sinclair report on fisheries in British Columbia where they are talking about \$40 for a sporting licence and at least \$10 for a commercial licence. I think the Indians there would be entitled to ask for payment of those licences too.

Mr. CONN: I think it is perhaps significant to remark that the Indians who object the most are ones who are least interested in hunting. The real professional trappers and the real professional commercial fishermen are not objecting to paying these fees from their proceeds.

Mr. McQUILLAN: I am referring here to the hundreds and hundreds of Indians who practise commercial fishing on the coast of British Columbia. If you do not pay for the trappers' licences there is no reason why you should pay the licences for the commercial fishermen. I do not say it is wrong but, if any of those Sinclair recommendations are accepted, it may well be you will find that in order to give the Indians a chance to earn their living it would be the department which would be called upon to pay the licences.

Mr. CONN: Mr. Chairman, I did not intend to make a recommendation that this should be done. I just meant to say it is something to which the committee should give consideration.

Mr. McQUILLAN: I think consideration should be given to it but I just wanted to point out that it is not a very simple matter.

Mr. CONN: By way of interest—and I am referring now to commercial fishing—we have a great many Indians engaged in commercial fishing across the country, particularly on inland lakes, and none of them object to paying the fees for their licences. They recognize that this is a commercial enterprise and something for which they should pay, but they do object most strenuously when provincial administrations try to tax them for licences when they are going out hunting for food.

Miss LAMARSH: I should like to say, Mr. Chairman, that I regard this as a most helpful discussion and I regret we did not hear it first before some of the Indians were here. It would have been a good thing to have this background material.

Mr. MARTEL: I should like to address a question to Mr. Conn in relation to that part of his brief regarding the area on the Hudson Bay water shed. On pages 5 and 6 you have said?

Part of Quebec province, i.e., that portion lying in the Hudson's Bay water shed, accrued to Canada at confederation under the terms of the deed of surrender, but there is no evidence of the dominion having

complied with the undertaking to Her Majesty that the claims of the Indian tribes to compensation would be considered and settled.

Mr. CONN: That is right, Mr. Chairman. I am referring to this area on the map of the province of Quebec all of which lay within the domain of the Hudson's Bay Company. This accrued to Canada in the Hudson Bay Company deed of surrender and the dominion agreed with the company that it would settle the claims of the Indians within the area covered by the company charter. Yet, in this area there are no treaties, no annuities are being paid, and, speaking generally, no reserves have been set aside for Indians. There have however been one or two small new reserves established in recent years.

Mr. MARTEL: That covers a great deal of my riding and that is why I am so particularly interested in it. Some of the Indians in that north country have not been in contact with white people for many years. Do you mean that these Indians could be compensated and could have the right to ask for certain compensation from the government?

Mr. CONN: I believe if they were here, then they might.

Mr. MARTEL: They claimed that last year. There was a group who came down and referred to the James Bay treaty number nine. That is mostly for northern Ontario but originally the group who came down, the dominion Abitibi band, had their reserve on the Ontario side. Now, however, some of them have spread inland on the Quebec side and most of the Indians in that band live around Amos or north of Amos. At the time I had no idea there was an opportunity to do anything for them but now I realize that something may be done.

Mr. CONN: Mr. Chairman, if I may return to the map I can clear up this question of the dominion Abitibis. The Abitibi band of Indians occupied territory partly in Ontario and partly in Quebec. They hunted the area around the Hurricanaw, the Turgeon and the Allard rivers and up to the water shed between the Allard and the Nottaway. When the commissioners who were appointed by Ontario and Canada met with the Indians at Abitibi post, they found that the people with whom they were expected to negotiate hunted on both sides of the border. Obviously, you cannot negotiate a treaty with half a band, split them down the middle and say to one side: "You get treaty", and to the other side say: "You do not".

A compromise was reached that the terms of treaty nine would be extended to these Quebec Indians. Those who hunted on the Ontario side of the boundary would be the Ontario Abitibis paid by the province of Ontario, and those on the Quebec side would be paid by the dominion. That is why the term "dominion Abitibis" was applied to that band. The others in northern Quebec have not been dealt with by the crown as promised by the first parliament of Canada.

Mr. MARTEL: The group who came here last year were not familiar and could not know the details of the treaty as you have explained them now to us.

Mr. CONN: The one reserve which was set aside was on the Ontario side of the boundary.

Mr. MARTEL: Or near the boundary.

Mr. CONN: Yes. As I understand it, the dominion-Abitibi group was asking to have a reserve for themselves on the Quebec side of the border, near Amos. It is my understanding that it is set aside already or, that negotiations are pretty close to it.

Mr. MARTEL: It was on a farm near Amos which they purchased. This group signed a treaty, and they cannot claim a new arrangement.

Mr. CONN: That is right.

Mr. MARTEL: But the other inland Indians around Rupert House have never had any final arrangement.

Mr. CONN: That is correct.

Miss LAMARSH: What is your responsibility in the department?

Mr. CONN: I am general supervisor of wildlife and fisheries.

Miss LAMARSH: I take it that you are out of Ottawa most of the time.

Mr. CONN: About half the time.

Miss LAMARSH: Do you speak any Indian languages?

Mr. CONN: Not fluently. If I am alone with an Indian, I can get along with him in Ojibwa or Cree, but I have to be alone with him in a tent somewhere, before I venture to bring out my poor Indian.

Miss LAMARSH: How long have you been with the department?

Mr. CONN: Twenty years, but I have been with Indians considerably longer than that.

Miss LAMARSH: How is that?

Mr. CONN: I was in the forest protection service for 18 seasons before I came to the branch. I cruised timber in the winter time, and during the depression when one could not get any free-lance cruising to do, I operated a post for the Hudson's Bay Company.

Miss LAMARSH: You must have started at an early age.

Mr. CONN: Seventeen.

Miss LAMARSH: If I could add more quickly, I could arrive at a conclusion.

Mr. MARTEL: The Indians on the Quebec side of Hudson Bay, around Rupert House, also have no treaty yet.

Mr. CONN: That is right.

Mr. MARTEL: That is where Mr. Watt was.

Mr. CONN: That is right.

Mr. MARTEL: Mr. and Mrs. Watt were making enquiries on behalf of the Indians. They supported a better conservation program for the Indians.

Mr. CONN: Yes.

Mr. MARTEL: They figured that if they could get it started, they could get more help and comprehension later. You are aware of that?

Mr. CONN: No. Mr. Watt was not aware of it until just before he died. For the interest of the committee, there is a book entitled "Angel of Hudson Bay", printed by Clarke and Irwin in Toronto. It is the true story of Maud Watt and is just off the press.

Mrs. Watt is a guest at my home at the moment. She came down and appeared on television for the launching of the book, and she has been my guest for the last three or four days. The Watts were absolutely marvelous people. This book is well worth reading, and for two purposes: first, it gives the background of Indian co-operation with the fur conservation program, and secondly, in the story of the Watts' trek from Ungava Bay to the north shore, it contains an accurate description of the conditions under which these people I am trying to help lived, and still do live. These Indians are wonderful people. In all sincerity I say here that the results that have been achieved from working with these people could not have been achieved with or by any other group.

Mr. MARTEL: I believe that Mrs. Watt was recently received as an honorary member—the first woman to be received as honorary member—of the Beaver Club in Montreal.

Mr. CONN: That is right.

Mr. MARTEL: I read about it in the paper.

Mr. BADANAI: Perhaps this book should be made available to the members of the committee. The chairman should make a recommendation to provide the members with copies of it.

The JOINT CHAIRMAN (Mr. Grenier): Is it very expensive?

Mr. CONN: I think it costs \$4.75.

Mr. MARTEL: There was an article in *Macleans* magazine some years ago, about Jimmy Watt.

Mr. CONN: Yes, and there was a further article about him in the *Saturday Evening Post* about two years ago.

Mr. MARTEL: I think it was more recent than that.

Mr. CONN: Possibly. It was by William Ashley Anderson. The good reception by the public of the *Saturday Evening Post* article was what prompted him to write this book. It is essentially the same story, but in the book he goes further into the history of the Watt's and gives much more detail on the conservation program.

The JOINT CHAIRMAN (Mr. Grenier): Are there any other questions on Indian treaties as related to the wildlife and fisheries resources? If not, I want to thank Mr. Conn on behalf of the committee for his presentation. He has given us a very useful explanation, and has helped the committee greatly to understand many points about which we were not too clear up to now.

At the next meeting we shall hear from Mr. W. C. Bethune, chief of the reserves and trust division. The next meeting will be held on Tuesday morning in room 256-S.

Mr. JONES: Might I clarify something for Mr. McQuillan and Miss LaMarsh. We have a generous supply of these maps, which show the treaty areas. We make them available to all the schools. But to reduce them to a quarter size would mean that they would have to appear in black and white. No doubt mines and technical surveys could draw a completely new map. Yet we have a generous supply of these maps. If the committee still wishes to have a map of a quarter size, it will not be done in color.

Mr. McQUILLAN: I will go along with you. The map is a little cumbersome to carry around. That is the only thing.

Mr. BADANAI: I would like to have it in my own office at home.

Mr. JONES: We will make available a copy for every member of the committee. I did not want to go ahead and place an order until I had explained the background.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

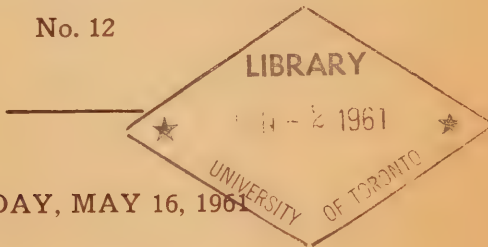
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12



TUESDAY, MAY 16, 1961

WITNESS:

Mr. W. C. Bethune, Chief, Reserves and Trusts Division, Indian
Affairs Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
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Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Mr. J. N. Ormiston,
Mr. F. J. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>)	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, May 16, 1961.

(22)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, Smith (*Kamloops*)—(3).

The House of Commons: Messrs. Badanai, Cadieu, Charlton, Fane, Henderson, Korchinski, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Small—(10).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; W. C. Bethune, Chief, Reserves and Trusts Division; D. Vogt, Assistant Chief; A. C. Pennington, Administrator of Estates; J. B. Sullivan, Trusts Section; W. P. McIntyre, Resources Section; S. Leszczynski, Mining; D. Yeomans, Forestry Engineer, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairman, Mr. Grenier, was unavoidably absent.

On motion of Mr. Korchinski, seconded by Mr. Badanai,

Resolved,—That Mr. McQuillan do take the Chair of this Committee as Acting Joint Chairman until Mr. Grenier returns.

Mr. McQuillan took the Chair and then called Mr. Bethune, Chief of Reserves and Trusts Division.

Mr. Bethune read a brief dealing with, amongst other things, land sales, leases, allotment of land, oil and gas, mining, timber, transfer of control to bands and reserves in general.

The Committee considered the above-mentioned brief section by section, and Mr. Bethune was questioned thereon.

The questioning of Mr. Bethune being continued, at 10.55 a.m. the Committee adjourned until 9.30 a.m. Thursday, May 18th.

M. Slack,
Clerk of the Committee.

EVIDENCE

TUESDAY, May 16, 1961.

The JOINT CHAIRMAN (*Senator Gladstone*): Gentlemen, the joint chairman, Mr. Grenier is unavoidably absent. May I have a motion to appoint an acting joint chairman until Mr. Grenier returns.

Mr. KORCHINSKI: I move that Mr. McQuillan be acting joint chairman.

Mr. BADANAI: I second the motion.

The JOINT CHAIRMAN (*Senator Gladstone*): It has been moved by Mr. Korchinski and seconded by Mr. Badanai that Mr. McQuillan be acting joint chairman until Mr. Grenier returns. Is it agreed?

Agreed.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Good morning, gentlemen: we have with us this morning Mr. Bethune, chief of the reserves and trust division. He is accompanied by members of his staff. Mr. Bethune has prepared a brief to present to us, so I now call upon him.

Mr. W. C. BETHUNE (*Chief, Reserves and Trust Division*): Mr. Chairman, and honourable members of the joint committee, the functions of the reserves and trusts division were outlined in the review of activities of the Indian affairs branch during the decade 1948-58, which was made available to the committee. Briefly, we are mainly a headquarters unit, concerned with the management of land and associated natural resources, band funds, band membership and related matters. We have a supervisor of mineral resources and staff of two at Calgary, and a forestry officer working out of North Bay. A forestry consultant was retained on a fee basis at Vancouver up to March 31, 1961. He has been replaced by a full-time forestry engineer this year. Approximately five estates investigators are normally in the field helping out Indian agency staffs where the estate work-load is beyond the capacity of the agency. We have no land appraisers on the staff, but make extensive use of the Veterans' Land Act organization in determining land values, and employ independent appraisers occasionally to meet specific needs.

Land Sales

Except to the extent that lands are or may be expropriated, Indian reserve land may only be sold if surrendered for sale by the band. No attempt is made to induce Indians to sell their reserves, and even when application is made for land by an authority with powers of expropriation, the practice is to require that agreement be reached first with the Indians before a recommendation is made to the governor in council for authority to make the land available under section 35 of the Indian Act. In the case of lands required by the federal Government for public purposes surrender is essential, because of lack of means of expropriation.

Leases

Because conditions vary from reserve to reserve policy with respect to leasing is flexible, being adapted to local conditions. Generally the Indian affairs branch encourages, without promoting the leasing of idle lands not being used or likely to be used for the time being by the Indians. In the

case of virgin lands, the initial cost of breaking and cultivation is taken care of without recourse to band or individual funds. In the case of idle lands already broken, weeds are thus brought under a measure of control. All classes of leases bring in revenue to the band or individual.

Ten years ago there were 2,310 leases or permits. At the end of 1960 the number was 5,310. It is believed that some private leasing arrangements have also been made by individual Indians. Such leases are illegal, as section 28 of the Indian Act provides that any agreement by which a band or a member of a band purports to give a non-band member rights on a reserve is void. Under such an arrangement the lessee lacks security of tenure and the Indian has to depend on his own resources to enforce payment of rent and to supervise operations. However, the total number of such leases is thought to be not large.

Our feeling is that individual Indians might, in many instances, be authorized to negotiate their own leases within specified limitations, and collect their own rents. In addition, the branch has no objection in principle to the transfer of similar authority to band councils with respect to band lands. There is a problem in this latter connection that would require careful thought. In the case of individuals they would be the only ones to suffer if they failed to exercise adequate supervision. In the case of band lands, the interest of the whole membership would have to be safeguarded. Some amendment to the Indian Act would be necessary to cover leasing by individuals.

Allotment of Land

Section 20 of the Indian Act provides in a negative way for the allotment of land to an individual Indian, stating: "No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band." Lawful possession is not defined, and the concept of individual interest or equity in allotted land, as opposed to band interest in the same land varies considerably from band to band.

Individual ownership is common in the older provinces, but is not favoured by many bands in the prairie Provinces. This is partly due to a misconception of the implications of allotment and partly because some band councils wish to retain a greater measure of control over reserve lands than is possible when lawful possession is held by individuals. In spite of this opposition to the allotment system, recognition is given by those bands to the right of individuals to use lands. This creates a legal problem in connection with the distribution of rents and other money collected. As a practical means of meeting the wishes of band councils, we have had to recognize an individual interest in lands short of lawful possession. Perhaps the allotment system would be more acceptable if provision was made for the issue of conditional certificates of possession, and for their cancellation after abandonment or non-use of the land for a period of time, or non-compliance with the conditions of allotment.

An associated problem also merits consideration. For example, we have one reserve where individual ownership cannot be formally evidenced in some cases due to lack of allotment by band council.

The present council has refused to confirm ownership, not because it questions the right of the holders to occupy or use the lands, but apparently because it does not recognize the jurisdiction of the department or of the Canadian parliament. This is holding up the closing of many estates—probably over 200, and the distribution of money to the heirs of those estates. Unless

provision is made whereby individual ownership can be recognized, say by prescription, this problem will remain unresolved until the present council changes its attitude or a more cooperative council takes office.

Oil and Gas

In March 1958, the Indian oil and gas regulations were completely revised and brought more closely into line with those of Alberta and Saskatchewan. The lease term was changed from 21 to 10 years, and a more gradual scale of royalties on oil was provided, commencing at a point lower than the former regulations (to encourage marginal production) and extending to a higher rate. There were many changes of an administrative nature. In line with the general trend, interest in the acquisition of oil rights on Indian lands declined during the past few years. Total revenue reached a peak of close to \$3 million in 1955-56. The total for 1959-60 was \$1,952,312. Because of existing conditions, not many parcels of land were put on the market in 1960. Oil rights have been surrendered by the Indians in 2,578,502 acres, of which 1,545,027 acres were under contract at the beginning of December 1960. There are 85 producing oil and gas wells on Indian reserves in western Canada, all but one of which are in Alberta.

Mining

There is no mining development on any Indian reserve at the present time, and no area under mining lease. During the past year there was an active interest on the part of prospectors in Fort Hope Indian reserve No. 64, which is located some 200 miles north of Fort William. Since the summer of 1960 over 450 claims have been staked on this reserve, most of the staking taking place during the past winter.

We have felt for some time that the Indian quartz mining regulations should be revised. Those regulations and the preceding regulations provided for the leasing of mining rights following staking. While many claims were staked, unfortunately they were not developed and revenue did not accrue to the Indians. As our concern is primarily the securing of revenue for the Indians, the mining regulations were completely revised as of April 1, 1961.

Under the new regulations anyone may secure a licence from the Indian superintendent to carry out a reconnaissance examination of a reserve that has been made available for disposal under the mining regulations. The fee is \$20.00 and the licence gives the holder no right to a permit or lease. Permits and leases are disposed of by public tender. Rental and royalty are payable. Gross royalty is payable on the mineral output of the mine at a rate of not less than five per cent.

The holders of mineral claims staked under the Indian quartz mining regulations are protected under the new regulations.

Timber

From 1948 to 1951 the federal forest service compiled inventories of timber on Indian reserves in northern Ontario, and made recommendations for the control of cutting. These recommendations are being adhered to. When the survey of this region had been completed this service was withdrawn, but has been resumed this year. To meet a need in British Columbia, forest surveys were commenced in 1958 under the supervision of our forestry consultant. The work was continued in 1959 and 1960. About 317,000 acres of timbered reserve land in British Columbia have been surveyed, out of a total forested acreage of around 521,000 acres.

It is estimated that about sixty per cent of the cost of forest surveys in British Columbia will be met out of band funds, or recovered later from timber

revenue. In addition to providing information with respect to standing timber, and enabling the preparation of management plans, these surveys produced general information regarding the use and classification of non-forested lands. While it would be desirable to put all timbered areas on a perpetual yield basis, the age and area of the forests frequently makes this impractical.

During the past few years Indians have been encouraged to conduct timber operations on their own under the permit system, rather than have operations conducted by non-Indians under the licence system. Ten years ago Indian permit operations accounted for only 25 per cent of total production while last year total Indian permit operations had increased to 90 per cent of an increased production. The Indians are being encouraged to participate more fully in timber operations by assisting them to take training as scalers, forest rangers, etc.

The possibility of obtaining timber cutting rights outside Indian reserves is being actively pursued. Considerable reforestation has taken place in northern Ontario, dependent up to now on the amount of stock available from provincial nurseries. This program will be expanded in the future to include reserves in other regions.

Band Funds

During the past ten years band funds have increased substantially, as have expenditures from band funds. On March 31, 1951, the balance in band funds totalled \$19,325,549 and on March 31, 1960, \$27,959,315. Expenditures increased during the same period from \$2,356,388 to \$7,418,041, the main items of expenditure being:

	1950-51	1959-60
Agriculture	\$331,392	\$745,256
Relief	525,551	831,134
Cash Distribution	530,431	1,562,458
Housing	123,630	1,472,051
Roads	80,463	369,065
Band Property	*	837,081

*Expenditures on band property for this year were mixed up with other expenditures and cannot be readily separated.

Transfer of control to Bands

During and since 1959 control of expenditure of revenue moneys was transferred in whole, or in part, to thirty-six bands in Canada. Most of these are in Ontario and most are restricted to welfare expenditures, for which a subsidy of eighty per cent may be recovered under the Ontario Welfare Assistance Act.

It is required that an application be made by a band council to assume this responsibility because it would be useless to transfer control contrary to the wishes of a council. A requirement is laid down that all revenue be deposited in the band account, and appropriated in accordance with the provisions of the Indian Act. This provides protection against matters getting too far out of hand. In addition, the band council must agree to engage the services of an auditor to audit their accounts once a year, and to make the auditor's report available to the department and to the band. These are considered minimum restrictions. It has not been required that an indemnity bond or insurance be provided to cover possible loss, because we have not wished to place avoidable obstacles in the way of bands taking over control. We would, of course, be pleased if such protection was required by the band itself. There are other band councils that, in our opinion, could properly assume this control

and responsibility, and we have been a little disappointed that they have decided against it for the time being. It is expected that pride and confidence in their own ability will increase the number of bands assuming such control. So far there has been no reason to regret this transfer of authority.

It will be noted that band expenditures on housing increased by more than ten times during the past ten years. Expenditures on band property (water, sewerage, community buildings, etc.) increased in the same proportion. Cash distributions doubled, and while this may not be a very desirable type of expenditure it is fair, and tends to keep down relief.

From time to time we are faced with a situation where our views differ from those of a band council with respect to the awarding of a contract or the use of band funds. The same situation comes up occasionally in connection with land matters. In other words, there is a conflict between our position as "trustee" and our desire to have the Indians assume ever-increasing control of their own affairs. A band council may adopt the stand that 'these are our funds or these are our lands and we can do with them what we like'. Our practice is to explain our position as clearly as we can but, if the Indians continue to press their point of view we try to meet their wishes, unless the amount or principle involved is too great or too important. Our feeling is that the Indians will learn more readily from experience than from our telling them—and, of course, they may be right.

Section 60 of the Indian Act enables the transfer to bands of control and management of reserve lands—with the authority of the Governor in Council. This was intended primarily to provide for the assumption of authority and responsibility on much the same basis as a municipality. In other words, a band should have advanced to a point where Indians could be depended upon to look after their personal interests and accept responsibility for their own welfare on the same basis as non-Indians. Concurrently, the Indian affairs administration should be relieved of its responsibility. This provision of the act has not been used, although, as indicated, we are moving in that general direction.

Reserves in General

Whether or not reserves serve the best interests of Indians is a matter of opinion. Probably they tend to segregate Indians from the rest of the population and to perpetuate an attitude of mind on the part of Indians that delays integration and hinders their adapting themselves to the general economy of the community, and obtaining the benefits of such adaptation. However, Indians attach great importance to their reserves, looking upon them as something in the nature of sanctuaries. Any move to alter the status of reserves should originate with the Indians themselves.

Some reserves do not provide adequate means of livelihood for the bands for which they were set apart. On the other hand, many reserves are not being fully utilized by band members. It is not the policy to provide additional reserve lands to meet the needs of the rapidly expanding population, but rather to prepare Indians for outside employment. A small allotment is included in the reserves and trusts vote annually, but it is to meet exceptional situations that arise, for the acquisition of land.

Entitlement to reserves under treaties of a few bands in the northerly portions of the prairie provinces still has to be satisfied. We are endeavouring to settle these matters as soon as possible. Delay in doing so has been mainly due to the nomadic nature of the bands and difficulty in finding suitable lands.

I have just touched upon the highlights, Mr. Chairman, and to the best of our ability we shall try to furnish any additional information which members of the committee may require.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Thank you Mr. Bethune. Now, I think this would be an opportune time for you to introduce the other members of the staff to whom specific questions may be referred.

Mr. BETHUNE: I shall ask them to rise as I call their names. First is Mr. A. C. Pennington, administrator of estates; second is Mr. D. Vogt, assistant chief; then there is Mr. S. Leszczynski, who looks after mining resources; Mr. W. F. McIntyre, who looks after our resources section, Mr. D. G. Yeomans, our forestry engineer at Ottawa and finally Mr. J. B. Sullivan, who looks after annuities and trusts.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Gentlemen, I shall ask you to proceed with your questioning on the various subheadings. Are there any questions on the first paragraph—reserves and trusts?

Mr. SMALL: I have one question which I raised last week dealing with land sales. It had reference to the St. Lawrence seaway.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): The first paragraph deals with reserves and trusts. You are now down to the next one.

Mr. SMALL: I thought no one was going to ask questions so I started with the second paragraph.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): I have one question, if I may be permitted to ask it. In addition to the forestry engineer who is attached to the Vancouver office you have a forestry branch or a forestry section in Ottawa?

Mr. BETHUNE: We have only one forestry engineer at head office. As I said, we have a forestry engineer in North Bay and one in Vancouver, and in addition to that we have one in Ottawa.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Can you tell me the name of the engineer in Vancouver?

Mr. BETHUNE: He was just appointed a couple of weeks ago, and I have not had a chance to meet him. His name is Brett. He has worked on Indian reserves under our forestry consultant, Mr. Johnston. In other words, he was in charge of the field surveys operations conducted during the last few years. He is a young man in his upper twenties and we consider the office was fortunate in securing him.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): We shall now go on to deal with land sales.

Mr. SMALL: I shall just continue where I left off in regard to the St. Lawrence seaway development on the Caughnawaga reserve. We had a deputation before us who complained about so many acres of land being expropriated. As I understand the regulations governing the reserve, any land which is taken off should be replaced by other land, particularly where the limits of the reserve are being reduced. At that particular time there seemed to be an adamant situation in the sense that if the seaway authority did not need the land they would keep it anyway. What is the present situation in that regard? I believe that where land has been taken which is not really needed, that should be clearly defined and the land should be returned to the reserve.

Mr. BETHUNE: I think there was a contention of that kind but we are not aware that any of the land they took is not required for seaway purposes. However, there was one individual holding in connection with which the seaway authority was not sure that it would have a continuing need and they have agreed to reconvey it if not required. But, that point has not yet been reached. The seaway authority has not yet indicated that any of the land

which was expropriated is not required for seaway purposes. In fact, they stated at the time that they would only take the absolute minimum of land required.

Mr. SMALL: I think the minister at the time was not disposed to agree that land should be given back. The question I want to ask is: Did the Caughnawaga band council handle this scheme themselves or did you people handle it for them?

Mr. BETHUNE: It is almost "no" to both questions. The Indian affairs administration did not recommend or actually agree to expropriation. It was done on a higher level. There was a discussion with the band council by the former legal adviser of the department who was handling matters to a large extent at that time. There were several meetings with the Indians and, as a matter of fact, before the expropriation was sanctioned, Mr. Chevrier, who was then head of the St. Lawrence seaway, went down and attended a meeting of the whole band and attempted to satisfy the Indians that the land was essential to the construction of the seaway.

Mr. SMALL: How did it develop then, that some of the Indians who had their land expropriated, did not sell? The ones who were first amenable to having their lands expropriated found that other Indians who held out for more actually got more money. There was a first class mess at that particular time.

Mr. BETHUNE: I do not think that is correct, to any substantial degree. There may have been one or two instances where the seaway authority agreed to a little more than the general going rate. In one case a person was blocking construction and the holding up of construction was of importance from the seaway's standpoint, that is, from the financial standpoint. In one or two instances they may have given a little more but, generally speaking, that did not apply. I think the people who settled first got about as much as the ones who settled later, with those exceptions.

Mr. SMALL: The ones who held on to their land created a certain nuisance value for it. Was it the band council who handled that?

Mr. BETHUNE: The band council expressed a view at the start that there should be certain uniform compensation rates established. However, there could not be one general rate because part of the land was in the village, part of the land was right along the waterfront and part was back from that. Therefore, there was a sort of three-level standard agreed upon by the council—that is, the former council, not the one in office now. You may know there were two subsequent expropriations, one for the bridge approach and one for a railway spur line.

Mr. SMALL: The railway spur line was the one where you had most difficulty?

Mr. BETHUNE: We did not have too much difficulty.

Mr. SMALL: Was that not where most of them held out, so that the railway itself had to provide a service for them?

Mr. BETHUNE: They had to provide a spur line at the east end of the reserve, from the existing railway line down to the waterfront. But I do not recall that we had any exceptional difficulty in that connection.

Mr. SMALL: There was a deputation to this committee who explained something of very long history connected with this, dating back to the 1600's. The deputation dealt with the ownership of the land which once was held in trust by the Sulpician fathers, and the matter had to be referred to the King of France for a ruling.

Mr. BETHUNE: The Sulpician order were not involved there. They were involved in Oka.

Mr. SMALL: There was some trouble about that particular piece of land.

Mr. BETHUNE: It must have gone back to the original grant from the French King.

Mr. SMALL: They are not all satisfied down there now.

Mr. BETHUNE: No, there is a very small percentage who were not even willing to discuss compensation for the last couple of years. The director has had to inform the seaway authority that we had gone as far as we possibly could in reaching a settlement, and that they would have to take on the job and clear it up with this last three or five per cent.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Has anyone else any questions on land sales; if not, let us pass on to leases.

Senator SMITH: I have two or three questions under leases. First, is it now the practice that all leases be submitted to the department? I take it that you are gradually trying to place that responsibility on the bands. At the present time do you review or approve all leases that the bands enter into?

Mr. BETHUNE: All leases have to be signed on behalf of the minister at Ottawa. They are signed by the director.

Senator SMITH: Is there a maximum term now? Has there been any alteration in the maximum term for which a lease will be granted?

Mr. BETHUNE: There is no maximum term. For example, we have issued a lease at Vancouver for shopping center purposes—in west Vancouver—for 80 years. When you get into an operation of that kind where the capital expenditure is very great, you have to have a fairly long period of leasing. In a lease of that kind we require that the band surrender the area for leasing, and that they agree to the terms. We provide in all these long term leases for adjustment of rentals at certain periods. These may be 5, 10, or even 20-year periods in the case of a 99-year lease. There is no actual maximum beyond which a lease cannot be given.

Senator SMITH: I am thinking of an industrial project which would be quite an asset to the band, if it were involved in this field. As a matter of security for the capital investment, a long term lease may be negotiated?

Mr. BETHUNE: That is correct.

Senator SMITH: But such a lease is subject to review at definite periods with regard to the rental.

Mr. BETHUNE: That is correct. When we looked back at the current rentals on leases which were issued many years ago, we find the rates to be rather ridiculously low. So we provide in every case for an adjustment by agreement—or in cases where agreement is not possible, by the exchequer court—on a rate of rental for the succeeding period.

Senator SMITH: In regard to such a long term lease for an industrial project, when it comes up for review, let us say in ten years time, is there assurance that there will be some part played by the department, or is there a chance of the lessee having to deal entirely with the band, when it might be difficult to deal with them on the matter of a renewal or re-negotiation?

Mr. BETHUNE: The negotiation, legally, would have to be made with someone representing the minister, because the minister is the lessor for the band. But the way it would be dealt with is as follows: we would discuss the matter with the Indians and be assured that they would agree to the rate which was going to apply for the succeeding term. In case the parties could not get together and agree to a new rate, the matter would have to be settled by the exchequer court.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any further questions on leases? If not, let us turn to allotment of land, on page two? Are there any questions? If not, let us pass to oil and gas.

Mr. BADANAI: With respect to oil and gas, how is the money distributed, or the revenue distributed? Is it distributed to the Indians immediately after the revenue comes in, or how is it done?

Mr. BETHUNE: Well, I must distinguish rentals from royalties. Any rentals go into the ordinary revenue fund of the band. Any income there may be in the form of royalties from oil would go into the capital fund. They have to be expended in accordance with the provisions of sections 64 to 66 of the Indian Act, which govern the expenditure of band funds. If they are distributed to the Indians on a per capita basis, it has to be supported by a recommendation of the band council, and approved on behalf of the minister. There is no automatic distribution.

In answer to the other question, which I hope I interpreted correctly, the money does not go to the individual as a matter of right. The oil or mineral rights in a reserve are held on behalf of the band as a whole, not on behalf of the individual, I mean, the individual locatee, if there is one.

Mr. BADANAI: Do I understand that only a percentage of the income is distributed, and not the whole?

Mr. BETHUNE: Under the act we can only distribute up to 50 per cent of any money received from the sale of land. And land would include oil.

Mr. BADANAI: The other 50 per cent is retained?

Mr. BETHUNE: That is right. It is retained for some other use by the band. But that does not mean to say that it cannot be used by the band, because they could vote a portion of it for housing on their reserve, or something of that kind.

Mr. SMALL: I missed that last chapter on the allotment of land. I would like to refer to it, because it is very important, to my way of thinking. You say:

The present council has refused to confirm ownership, not because it questions the right of the holders to occupy or use the lands, but apparently because it does not recognize the jurisdiction of the department or of the Canadian parliament.

I think that should be discussed here, as being very important.

Mr. BETHUNE: Well, on that particular reserve we have had to pull out the man who has been assisting in straightening out land ownership and estate matters over possibly five years. We have just come up against a stone wall, and we cannot make any further progress. Therefore, until this council, or a new council changes its attitude, or until there are some legal means provided by which we can deal with these estates to clear up land titles, we are going to be blocked.

Mr. SMALL: I am not blaming you for it. It is not a case of following the line of least resistance. It is a question of the flouting or the denying of the authority of the government in regard to land titles. It should be cleaned up, and the situation should be corrected. Was this on the Six Nations reserve?

Mr. BETHUNE: No, this is at Caughnawaga.

Mr. SMALL: We have had the same thing here with respect to the Six Nations reserve.

Mr. BETHUNE: We have not had too much trouble with the Six Nations, as far as allotment of land goes.

Mr. SMALL: I meant in regard to the authority. They consider themselves as a nation set apart, that they are a sovereign body of their own.

Mr. BETHUNE: I realize that some of them have that attitude in mind.

Mr. SMALL: Particularly on the Six Nations reserve, and this would probably apply to the Caughnawaga reserve too. There is a group which raised that attitude. It came from Oka, I believe.

Mr. BETHUNE: There are some at Oka.

Mr. SMALL: They could be definitely defined.

Mr. BETHUNE: It would be very helpful to us if they were.

Mr. CHARLTON: On the Six Nations reserve, for instance, if a new council came in and tried to set aside some of this private ownership of land, what would happen?

Mr. BETHUNE: I doubt if authority exists to do that. Section 18 of the Indian Act provides for the expropriation by a band council of lands required for the purposes of the general welfare of the band, but I question whether any minister would be willing to agree that the rights of the individual locatee should be terminated just so that the land could become band-owned. It seems to me that would not be at least within the intent of the act.

Mr. CHARLTON: Not the intent; but I wonder if it might be possible.

Mr. BETHUNE: It might be legally possible, but I doubt that it would be brought about.

Mr. CHARLTON: You are suggesting that probably the minister could override the band council if he wished to.

Mr. BETHUNE: Yes; the minister has the right. This provides for the taking by the band of land which has been allotted, for the general welfare of the band. Certain specific purposes are mentioned, and then there is a general provision as well. I doubt, however, if that would be either within the intent of the act or that any minister would agree to it, just for the purpose of changing the status of the land.

Mr. CHARLTON: You mention conditional certificates of possession. That would be where someone bought some land with the intent to use it for a specific purpose and then decided against that use and let it go idle.

Mr. BETHUNE: No; that is not quite what I had in mind. In a number of reserves in western Canada they are strongly opposed to the allotment system. We feel that if provision was made for conditional allotments for example that the locatee should be required to continue to occupy and use the land, or develop it to a certain stage, before he gets complete title, it might lessen the problem from their standpoint. That is the type of condition we have in mind—a condition that they must continue to use it and if they do not it goes back to band land.

Mr. CHARLTON: A man would not put any buildings on it, would he?

Mr. BETHUNE: Yes; he would have to have buildings on the land.

Mr. CHARLTON: Will he take the chance of putting buildings on land in view of the conditions?

Mr. BETHUNE: He would know what the conditions are. He knows he must live on the land and use it.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): How much money would be involved in the closing of estates and distribution of money to the heirs?

Mr. BETHUNE: It is not very great. I cannot say definitely. A month or so ago I asked that question of the administrator of estates and he said approximately \$10,000 in the overall. It is not great. It creates a lot of difficulty. From time to time Indians object very strenuously to our not turning over the monies. We are held up because the ownership of the land has never been established.

Mr. SMALL: That ties in with the paragraph about leases and the Indian having to depend on his own resources to enforce payment. That ties in with what you are speaking of now. You say the total number is thought to be not large.

Mr. BETHUNE: That is correct. That condition exists on the Six Nations reserve; it also exists at the Caughnawaga reserve, the Caradoc agency and in different places. In view of our feeling that the trend should be to turn over increasing responsibility to the Indians themselves we have not brought the issue to a head. We are not notified of these leases, but we know they exist.

Mr. SMALL: You cannot very well turn over something which is not a clear title. You would have to clarify it before you turned it over.

Mr. BETHUNE: We would be recognizing a condition which we know exists, and would be providing for the turning over of this responsibility in selected cases.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): This would require an amendment to the Indian Act.

Mr. BETHUNE: Yes. The Indian Act now says that any such lease is null and void.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Are there any further questions on oil and gas and mining?

Mr. CHARLTON: In the case of the Oka reserve is there any mining on the land?

Mr. BETHUNE: There may have been some staking of the lands, that we consider we hold title to, because of the fact that it was determined by our law officers that the ownership of the minerals was vested in the province; that is we did not have control of the minerals.

Mr. KORCHINSKI: Does the local council of the band have any say as to whether or not the claims are staked on the reserve?

Mr. BETHUNE: First of all the band has to surrender the mining rights for disposal under the mining regulations, so at the very start they consent to the disposition of the mining rights.

Mr. CHARLTON: Does this fee of \$20 give the holder a right to a permit or lease? Although he may pay the \$20 fee to go on the reservation, that does not give the staker any right of lease or any control over that land once he has staked it.

Mr. BETHUNE: That is right. There might be fifty licensees with licenses to explore a particular reserve. They have no right at all. The right to a lease or permit is disposed of by public competition. All they get for that \$20 license is the right to go in on the reserve and look around.

Mr. CHARLTON: You will not get many prospectors on a reserve unless it is at night when nobody knows it.

Mr. BETHUNE: If they pay the \$20 they can do it legally.

Mr. CHARLTON: Then somebody else can come along and overbid them on the tender.

Mr. BETHUNE: We think the present regulations are likely to be of greatest interest to the mining companies. They may have half a dozen prospectors working for them under a licence which they secure. The past regulations have been of practically no benefit whatever to the Indians. We felt we should look upon the administration of mining rights on reserves in much the same manner as does the C.P.R. or the Hudsons Bay Company. The provinces and the territorial governments are interested in mining development. We are interested in money for the Indians.

Mr. CHARLTON: What would happen if an Indian himself was a prospector? I assume he would not have to pay the licence, but he would not have any right at all. A large company could come in and purchase that. I suppose the Indian would have to bid for the lease the same as anyone else.

Mr. BETHUNE: Yes. We have run into that problem in connection with the disposal of mining rights on the Walpole Indian reserve. There, some Indians have asked whether a group of them might go into oil exploration work. Our feeling in that connection was that in fairness to the band as a whole they should bid the same as anybody else. We would be very happy if they were the successful bidder. However, if we permitted any select group of Indians to develop oil or mineral rights on a reserve and get special concessions, then the rest of the band is likely to suffer as a result.

Mr. CHARLTON: As the province is the owner of the surface rights it has the privilege of buying the mineral rights at a fee of \$2 an acre if there is no development in the area at the time. That similar right is not available to the Indians, because they are not actually owners.

Mr. BETHUNE: Well, it is not available to the individual Indian because the whole reserve is held for the whole band. A band, conceivably or theoretically, might agree to sell the under rights to its band members at a specified price. So far as I know that never has been proposed. In every reserve the under rights are held by the whole band. All the locatee has is the right of use of that piece of land.

Mr. CHARLTON: Just surface rights; no mineral rights.

Mr. BETHUNE: That is right.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Are these regulations patterned on the new Canadian mining regulations?

Mr. BETHUNE: No, not altogether. We have a different objective in mind. Some features are incorporated in the Indian mining regulations.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): You say you are interested in revenue and not development. How are you going to get revenue without development?

Mr. BETHUNE: We will advertise the right and hope to secure revenue from the right to explore. If no development takes place, the Indians at least will have some revenue in the form of licence fees and permit rentals or lease rentals which they have not had up to date. We realize that these regulations are slightly restrictive.

Mr. SMALL: You are trying to give the band protection. Even if a group of Indians explore this and get a claim it could be subject to a cartel and someone outside the reservation could get control. This is to stop this and put it on the market.

Mr. BETHUNE: Put it on the market so that everyone can bid and protect the interests of the band.

Mr. CHARLTON: The only danger is that an over protection may cause a company to hesitate to go in and develop the property.

Mr. BETHUNE: We realize that. However, we have had two or three definite inquiries from companies in respect of specific reserves since these regulations were enacted. They have been in force only for about a month, so they have not been tested yet.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Do you anticipate that these companies will go in and spend a considerable amount of money in proving whether or not it is worth making a bid on it?

Mr. BETHUNE: I do not think so. I think that a company which is prepared, or which expects to spend a lot of money on exploration work will want to have the protection of a permit, and that they will ask us to put the permit rights on the market.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Do you have a set scale of royalties?

Mr. BETHUNE: Yes sir. As I have said, there is provision for some variation in royalties, but generally speaking we provide for a gross royalty of not less than five per cent. There could be some variation in that at the time the rights were advertised. We provide for a gross royalty because we are not staffed to properly supervise the payment or the checking of net royalties.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): You do not anticipate the immediate development of your resources of Indian reserves, and I take it that you are looking to the future, a long way in the future.

Mr. BETHUNE: We hope it will not be too long. We hope that when a person is really interested in exploring the mineral rights on a reserve, that he will be prepared to pay for that right at least to some extent, and that the Indians will get at least some benefit from it.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): You are aware of a grant on Vancouver island that was made. It was a railway grant in which the base metals were reserved to the railway. The coal rights were disposed of prior to the railway grant, I believe. But you are aware of it, and you must also be aware of the fact that development in that area has been very seriously retarded. Yet it is an area which has been known of for over 100 years.

Mr. BETHUNE: You mean because of the divided ownership of the minerals?

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Because of the royalty provisions on the one hand, the fixed royalty which most companies shy away from, because it becomes immediately effective and because of the fact that they may spend a great deal of money developing the property, and with a fixed royalty, they would have no hope of ever recovering their capital investment.

Mr. BETHUNE: I am not aware of the situation, Mr. Chairman. But I would think that if a situation developed where the grade of ore that is being mined on an Indian reserve would not warrant payment of a five per cent royalty, then the company interested would approach the department, and if they satisfied the minister that this was the situation, and that they might develop it if the royalty were reduced to a somewhat lower percentage, or if there were some other basis of royalty, then that could be done by special order in council.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): But the Indians themselves, the bands, are to have nothing to say about this.

Mr. BETHUNE: They have to surrender their rights in the first place, and at that time, it would be made known to them the conditions under which the mining rights would be put on the market. So to that extent they are brought into the picture.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): I had better not ask any more questions, because I am supposed to be the acting chairman.

Mr. MARTEL: Do the new mining regulations apply to mineral rights in the province of Quebec on an Indian reserve as well?

Mr. BETHUNE: Yes. Quebec is not excluded. The only province that is excluded is British Columbia, because there is a special situation there.

Mr. MARTEL: A little while ago you made reference to the Oka reserve.

Mr. BETHUNE: We do not hold mineral rights there.

Mr. MARTEL: They do not go back. This is a new regulation?

Mr. BETHUNE: It would only apply in cases where the federal crown held the title to the mineral rights.

Mr. MARTEL: You do not own them on all Indian reserves.

Mr. BETHUNE: Not all of them, but most of them. I think that Oka is an exception. There is an exception in one case, in British Columbia, and there may be others. I am not sure about it offhand.

Mr. MARTEL: What about Maniwaki?

Mr. BETHUNE: No, I do not know of any reservation. You have asked me about Quebec specifically. We cannot take the surrender of land in Quebec because of a judgment, mentioned by Mr. Battle the other day. It was the Starr-Chrome case. I am not in a position to say what effect that would have on the surrender of mineral rights alone. I cannot give you an answer.

Mr. MARTEL: When these Indian reserves were set apart or given to the Indians, could you tell me if I am right in assuming that the crown at the time reserved the rights for precious metals, gold and silver, but did not mention other metals.

Mr. BETHUNE: I think in most of these transfers of administration there was no mention of mineral rights at all. They simply were not reserved. I mean the ownership of precious metals as against base metals. There is a fairly common view that that ownership of precious metal is vested in the provincial government. And it is because of that that a special agreement was reached with Ontario in 1924, and with British Columbia some years ago as well, under which the revenue from the development of mineral rights on Indians reserves is divided equally between the federal and the provincial governments. That was one of the basic reasons for those agreements. It was difficult in mining to distinguish between the base and the precious metals, where they are inter-mixed. Therefore some agreement seemed necessary.

Mr. MARTEL: Am I right in assuming that when the reserves were set aside or turned over for the Indians, that the mineral rights remained with the crown as the property of the crown. They were not defined, as I see it. That is the way we understand it now. I mean when the reserve lands were transferred to the Indians or set apart for the Indians that would be for the surface rights only?

Mr. BETHUNE: Normally, in 99 or more per cent of cases, Indian reserves were set aside for the use of Indians without any reservation of mines or minerals. The conveyances or transfers of administration were silent. So we administer the under-rights on behalf of the Indians, with the odd exception of the type I have referred to.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): In British Columbia the mineral rights were reserved to the province by the province. Is that not the case?

Mr. BETHUNE: There is an agreement reached—I could turn up the date of it, if you wish—but it was a good many years ago, under which the provincial mining laws were made applicable to Indian reserves. First of all there had to be a surrender of the mineral rights by the Indians. Then the provincial regulations would apply, and any revenue collected by the province was to be divided 50-50, with the dominion or federal government getting 50 per cent and the province retaining the other 50 per cent. Now, this has had the effect of discouraging any development of, or mining on Indian reserves in British Columbia, and it has made us very reluctant to participate in, or even to agree to any surrender of mineral rights so that they would be available for development. But we do hope that a more favorable time will come to discuss this matter further with the province of British Columbia. We have had such discussions with Ontario, and we are hopeful that Ontario will change its attitude

and give up its entitlement to the 50 per cent share of the revenue obtained from minerals on Indian reserves. They have actually agreed to give up their share of revenue from oil and gas on the Walpole island reserve, and the matter is still under discussion.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): It does not look as if we can possibly finish our questioning on this brief today.

Senator SMITH: I would like to get into the first paragraph under timber. You say that forest surveys were commenced in 1958 under the supervision of your forestry consultant. Is this the same officer? I think the chairman asked a question in regard to the first paragraph: is this the particular consultant who supervised this forest service in British Columbia; is he a resident in British Columbia?

Mr. BETHUNE: Yes sir; he is in business in Vancouver. But there is no forest surveying being carried out in British Columbia this year. It was carried out for the last three years, but to a large extent the most urgently needed forest surveys have already been completed. There might be a special need in connection with an individual case which will have to be taken care of, if and when it arises, but there is no general plan for surveying in British Columbia for this year.

Senator SMITH: But in spite of that there is now a full time forestry engineer on your staff in Vancouver.

Mr. BETHUNE: Yes. That is Mr. Brett. He was with Mr. Johnson, our former consultant.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Since we cannot finish this brief today, Mr. Bethune will be back before the committee on Thursday. There will be no meeting this afternoon. Mr. Davey, chief of the education division, will be available to bring us up to date on events since he presented his brief in 1959. Perhaps the members of the committee will be better informed on matters of Indian education and will ask Mr. Davey some new questions.

The committee is now adjourned until Thursday at 9:30 a.m.

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Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

THURSDAY, MAY 18, 1961

WITNESSES:

From the Indian Affairs Branch: Mr. W. C. Bethune, Chief of Reserves and Trusts Division; Mr. D. Yeomans, Forestry Engineer; Mr. R. F. Davey, Chief of Education Division; and Mr. H. M. Jones, Director.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

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Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
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Mr. G. W. Baldwin,	Mr. J. J. Martel,
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Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i>
Mr. J. A. Charlton,	<i>and Victoria</i>),
Mr. F. J. Fane,	Mr. J. N. Ormiston,
Mr. D. R. Gundlock,	Hon. J. W. Pickersgill,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. W. H. A. Thomas,
Mr. F. Howard,	Mr. J. Wratten—24.
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 18, 1961.

(23)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Inman, Smith (Kamloops), Stambaugh.—(3).

The House of Commons: Messrs. Badanai, Barrington, Cadieu, Charlton, Fane, Grenier, Gundlock, Henderson, McQuillan, Muir (Cape Breton North and Victoria), Small, Stefanson, Thomas.—(13).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; W. C. Bethune, Chief, Reserves and Trusts Division; D. Vogt, Assistant Chief; A. C. Pennington, Administrator of Estates; J. B. Sullivan, Trusts Section; W. P. McIntyre, Resources Section; D. Yeomans, Forestry Engineer; R. F. Davey, Chief of Education Division, and C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed the consideration of the brief presented on May 16th by Mr. Bethune, Chief of the Reserves and Trusts Division.

Mr. Bethune was further questioned, assisted by Messrs. Jones and Yeomans.

The questioning of Mr. Bethune being completed at 10.50 a.m., the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING

(24)

The Committee resumed at 2.30 p.m., the Joint Chairman, Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Inman, MacDonald, Smith (Kamloops).—(3).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Cadieu, Charlton, Fane, Grenier, Martel, Stefanson.—(9).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; R. F. Davey, Chief of Education Division; P. Deziel, Assistant Chief, Education Division; L. E. Waller, Chief Inspector of Indian Schools; F. Barnes, Director of Guidance and Adult Education.

Mr. Davey, Chief of the Education Division, was called and he prefaced his remarks by supplying two answers to questions raised at previous meetings.

Mr. Davey then made a statement supplementing the brief which he presented to the Committee in June, 1959, on the work of the Education Division, and was questioned thereon.

At 3.50 p.m., and Mr. Davey still being questioned, the Committee recessed, there being no quorum.

At 3.55 p.m. there still being no quorum, the Committee adjourned until 9.30 a.m., Tuesday, May 23rd.

M. Slack,
Clerk of the Committee

EVIDENCE

THURSDAY, May 18, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Good morning, gentlemen. Would you please come to order.

Last Tuesday morning the brief, which you have in your hands, was read, and the first two pages have been covered by way of questions and answers.

I will now call upon Mr. Bethune to come forward and answer questions on the remaining part of the brief, commencing at page 3.

The subject matter under discussion at the time of adjournment was mining, at the top of page 3.

Senator SMITH: Mr. Chairman, I think we completed the section on mining.

The JOINT CHAIRMAN (*Mr. Grenier*): If that is the case, the next subject is timber.

Have you a question, Mr. Badanai?

Mr. BADANAI: Mr. Chairman, may I pose one question in connection with northern Ontario? Are there any timber limits allocated to Indian reserves in northwestern Ontario—and I mean outside of the confines of the reserves?

Mr. W. C. BETHUNE (*Chief, Reserves and Trusts Division, Indian Affairs Branch*): I would like Mr. Yeomans to confirm or add to what I will say on this.

We have some timber-cutting rights on Manitoulin Island on behalf of Indians, and I cannot think of anything in addition to that, offhand.

Is it permissible to ask someone at the back of the room to add to what I have said?

The JOINT CHAIRMAN (*Mr. Grenier*): Yes.

Mr. BETHUNE: Could you add anything to that?

Mr. D. G. YEOMANS (*Forestry Officer, Indian Affairs Branch*): No, sir.

Mr. BADANAI: There are none?

Mr. YEOMANS: No, sir.

The JOINT CHAIRMAN (*Mr. Grenier*): Have you a question, Mr. Cadieu?

Mr. CADIEU: Has there been any cruising of the timber in northern Saskatchewan on Indian reserves?

Mr. BETHUNE: Do you mean in the way of a general forest survey?

Mr. CADIEU: Yes. We have commercial timber on a few of the reserves in northern Saskatchewan, and I was wondering if it had been surveyed to ascertain the value and the extent of the commercial timber there.

Mr. BETHUNE: Not at the moment. The forestry department have undertaken to resume forest surveys for us, and this year they are concentrating in Ontario. However, they will expand that to other provinces as well, other than British Columbia. At the moment, I do not recall offhand any survey having been made of a reserve in Saskatchewan.

Mr. CADIEU: I was in hopes that such a survey would be made. I might mention the Canoe Lake reserve, and Dillon. There is a great deal of commercial timber there, and I think it is imperative that it is properly handled. This timber is bringing in quite a revenue at the present time. We all know what can happen to our forests if they are not looked after. There is a great danger of fire, and other things have to be looked after.

Mr. BETHUNE: As I said, the forestry department did that type of work for us up until some five or more years ago, and then they withdrew the service. However, they have agreed to resume this service, and they have started again this year. They are working in Ontario this year, and they will extend that to other provinces in the future; and Saskatchewan, like the other regions, will certainly receive the necessary attention.

Mr. CHARLTON: In the second last paragraph on page 3 you make reference to the fact that ten years ago Indian permit operations accounted for only 25 per cent of total production, while last year total Indian permit operations had increased to 90 per cent of an increased production. Is that on reservations alone?

Mr. BETHUNE: Yes.

Mr. CHARLTON: Have there been any limits taken over as yet, off reserves?

Mr. BETHUNE: We are negotiating, and we hope to secure timber areas off reserve. We are in the process of doing so. I think we will secure some timber in central British Columbia. We have arranged for the reservation by the province of Alberta of some timber north of Lesser Slave lake, and we have been endeavouring to secure timber-cutting rights in Cape Breton. However, they are just in the process.

Mr. CHARLTON: Where there has been a successful operation on the reservation, it is justifiable to seek more timber limits for that particular crew which are working the sawmills.

Mr. BETHUNE: Yes. We, on behalf of the Indians, have tendered on a few occasions on timber limits put up for sale by a provincial government, but not successfully. It was just a case of the highest bid being accepted.

Mr. CHARLTON: At least you got your foot in the door, anyway.

Mr. BETHUNE: Yes.

The JOINT CHAIRMAN (*Mr. Grenier*): Have you a question, Mr. Badanai?

Mr. BADANAI: Has there been any attempt made by the department to secure timber-cutting rights in northwestern Ontario outside of reservations?

Mr. BETHUNE: I will have to ask Mr. Yeomans to answer your question.

Mr. YEOMANS: Yes.

Mr. BADANAI: With any success?

Mr. YEOMANS: No, sir.

Mr. BADANAI: Were they turned down by the provincial authorities?

Mr. YEOMANS: Yes.

Mr. BADANAI: The Department of Forestry.

Mr. YEOMANS: Yes.

Mr. BADANAI: Do you know the whereabouts of these?

Mr. YEOMANS: In the Lake Nipigon area.

The JOINT CHAIRMAN (*Mr. Grenier*): You are next, Mr. Thomas.

Mr. THOMAS: Has any survey been made or consideration given to the possibility of bringing some of the reservation lands—and I am thinking now of the reservation in our own area, the Caradoc—under the provisions of this proposed new Arda act having to do with the redevelopment of agricultural lands. The act is aimed at permitting the federal government to enter into contracts with provincial governments for the redevelopment of marginal lands now being used for agricultural purposes. There may be substantial grants involved, and it is possible that this act could be used to reforest some of the margin lands now located on Indian reserves. Has that been given any consideration?

Mr. BETHUNE: Mr. Thomas, I personally am not in a position to answer that question. The director is familiar with it.

Mr. H. M. JONES (*Director, Indian Affairs Branch*): Mr. Chairman, we have been watching that very closely through correspondence and with meetings of departmental officials. I am hoping that something will come out of it where, without too much red tape, Indian reserves will fall within the framework of that legislation.

Mr. BETHUNE: If I could add something, we are conducting re-forestation operations in Ontario, and there would be nothing to prevent our extending that to the Caradoc agency, if the conditions on the reserve appear to warrant it.

Mr. THOMAS: May I ask you how the efforts toward re-forestation are working out to date?

Mr. BETHUNE: Very well. Mr. Yeomans returned just a few days ago from a re-forestation operation in northern Ontario, and our other forestry engineer was supervising the same type of operation further west, in Ontario. This has been going on, on a limited scale, for several years. However, we have been limited in our activities by the quantity of nursery stock available from the provincial authorities.

Mr. CHARLTON: Is that a planting operation?

Mr. BETHUNE: Yes. It is the planting of seedlings. There were some 80 Indians working on the re-forestation operation which Mr. Yeomans was supervising last week, in connection with re-planting.

Mr. GUNDLOCK: How many acres would you have in Ontario on Indian reserves which are not properly re-stocked?

Mr. BETHUNE: Can you answer that, Mr. Yeomans?

Mr. YEOMANS: It would be pretty hard to say. We have not had, as yet, a complete forestry survey of all the reservations. When the Department of Forestry completes its survey in Ontario we could give you an answer. However, I would venture to say that there are several thousand acres yet.

Mr. THOMAS: I have another question in connection with this matter of timber. Again speaking of the Caradoc reservation, I do not know if there are many valuable stands of timber there but it might be possible to have the areas surveyed by a forester from the provincial department. So far as I know, it is mostly scrub and most of it is useless, but there may be some stands there which might be worth saving.

Mr. BETHUNE: We would be very glad to look into that.

Mr. McQUILLAN: What do you consider the minimum area for a sustained yield of forestry operations?

Mr. BETHUNE: Probably Mr. Yeomans had better answer that. I think it would depend on the nature of the timber itself and the conditions for re-growth. It varies from part to part of the country. Can you give any further answer?

Mr. YEOMAN: I think you have answered the question.

Mr. McQUILLAN: What about Ontario?

Mr. YEOMANS: There are several factors which enter into it, but, in Ontario, we have tried to guide ourselves by the actual type of forest on an Indian reserve. An annual allowable cut has been set and we have followed that cut every year. However, the economic conditions of the Indians sometimes enter into the picture and we do have to exceed that cut in order to provide some employment for the Indians.

Mr. McQUILLAN: That really does not answer my question. I am not familiar with reservations in Ontario, but I believe most of them are fairly large. What do you consider a sufficient forest area to warrant operating on a sustained yield basis? For instance, 100 acres are hardly enough?

Mr. YEOMANS: No, but the average acreage of forests in Ontario would be 10,000 to 15,000 acres. Anything less than that would not be sufficient to maintain the economy of a band, but we do regulate the cut even in smaller areas.

Mr. McQUILLAN: Are there any reservations in British Columbia which you are planning to put on a sustained basis?

Mr. YEOMANS: Yes, sir. A forest survey has been carried out for the past three years and the newly appointed forestry officer in British Columbia will be implementing plans for those forests.

Mr. McQUILLAN: Are you referring to the interior of British Columbia?

Mr. YEOMANS: Interior and coast.

Mr. McQUILLAN: Where would you find a sufficiently large area on the coast?

Mr. YEOMANS: I think it would be mostly the interior reserves.

Mr. McQUILLAN: I think it would be pretty well impossible to carry on a sustained unit program in the coastal reserves because most of them are very small. Individually most of them are not large enough to make an economic unit, by any means.

Mr. BETHUNE: It seems to me there is a fairly good stand of timber up around Port Simpson, in the Fort Rupert area, which might be subject to perpetual yield management.

Mr. McQUILLAN: It would be, if the Indians had all the land they claimed in that area. Perhaps the most important thing for the reserves on the coast is to see that they are properly re-forested. In most areas you will not have that trouble; you can have a natural re-stocking in most of the reserves on the coast.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there any further questions? If not, we shall turn to page four of the brief and deal with band funds.

Senator SMITH (*Kamloops*): Mr. Chairman, I notice there has been a substantial increase in the band funds from 1951 to 1960, but a greater increase percentage-wise in the expenditures. Is that the trend? Further, if it is a gradual trend is there the danger of expenditures catching up with the increase in income so that the funds will reach the point of diminishing?

Mr. BETHUNE: I think that is quite possible, Mr. Chairman. I do not know what the figures are for 1960-61. They are not yet available but it would appear that expenditures last year approached pretty closely the revenues obtained. Over a fairly long period of time there has been a gradual increase in band funds but, so long as the funds are being used for good purposes, then we are fairly satisfied with the expenditures.

Senator STAMBAUGH: Does this include the bands funds of Indians all over Canada?

Mr. BETHUNE: That is correct.

Senator STAMBAUGH: Is a fair proportion of this from oil revenues?

Mr. BETHUNE: There would be a fair proportion, but I could not tell you what the exact proportion is.

Senator STAMBAUGH: It would have something to do with the increase?

Mr. BETHUNE: Yes.

Senator STAMBAUGH: Is it not quite substantial in Alberta?

Mr. BETHUNE: Yes. As I indicated, it went up to \$3 million a couple of years ago, and it was close to, or about \$2 million last year. It is a pretty substantial proportion of the income.

Senator SMITH (*Kamloops*): Is that the money which would be reflected in the increase given here?

Mr. BETHUNE: Yes, sir, it is reflected in it. Approximately half the oil money is distributed as it is received. Also, it is true there has been a fairly heavy expenditure of band funds in Alberta, which would partly come out of oil revenues. That expenditure was on housing, the improvement of roads and such things. It has gone up substantially in the last few years.

Senator STAMBAUGH: Is I understand the distribution of oil funds, the half which is distributed is given to the band where the oil is found.

Mr. BETHUNE: That is correct.

Senator STAMBAUGH: And the other half goes to the general funds?

Mr. BETHUNE: It goes into the funds of the bands for whom we are holding the reserves.

Senator STAMBAUGH: Then it all stays with the one particular band?

Mr. BETHUNE: That is right. Nothing goes into any general fund.

Mr. BADANAI: What goes into the general fund?

Mr. BETHUNE: There is no general fund.

Mr. BADANAI: In other words, the income in the area of a reserve is the sole income for that reserve?

Mr. BETHUNE: That is right, and that is the only band entitled to it.

Senator SMITH (*Kamloops*): Would it be proper to assume that this increase in band funds to \$27 million is substantially due to the return from oil and timber? Those two units are substantially part of that increase?

Mr. BETHUNE: I can give a general indication of the revenue for one year, but I cannot extend it over a period of years with the information I have here.

Mr. THOMAS: Income from real estate would enter into that to some extent?

Mr. BETHUNE: That is right. For example, last year there was \$1,408,000 from land. That would be a fairly heavy revenue from that particular phase of our administration because of the fairly large land sale at Sarnia. Oil royalties represented \$898,000 and oil bonuses—that is, the bonus on sale—were close to \$400,000. Timber accounted for \$542,000 and there were a number of other items of lesser amounts. Those figures would be fairly representative of the sources of revenue over the past five years or more.

Senator SMITH (*Kamloops*): I should like Mr. Bethune to comment on one other matter. There has been a substantial increase in the Indian population which naturally means increased demands for what band funds can provide. However, these substantial increases in band funds are due to diminishing assets, in the case of land, timber, oil and gas. Looking at this over a long period, is there not a problem developing there?

Mr. BETHUNE: To some extent, yes, but on the other hand there are a good many Indians who are not fully utilizing the resources they have on their reserves. We would hope that over a period of years there would be a greater proportion of the Indians taking advantage of the land resources they have. In that connection, although it is not the policy of the branch to provide all the lands that are required for the increasing population, we do try to prepare the Indians for employment outside, for integration outside the reserves themselves. That is the way the requirements of the bands will have to be taken care of.

Senator SMITH (*Kamloops*): You said first that many Indians are not fully utilizing—

Mr. BETHUNE: The lands.

Senator SMITH (*Kamloops*):—the sources of revenue from the lands—which means to a great extent the development of agricultural stock, and other types of agriculture?

Mr. BETHUNE: That is right.

Senator SMITH (*Kamloops*): And there is a further source of revenue for them from their employment outside the reserves?

Mr. BETHUNE: That is right.

Senator SMITH (*Kamloops*): Is it not a fact that their ability to improve their economy from utilizing the agricultural assets they have in land and the opportunity to farm is less promising than the other field of outside employment outside the reserves?

Mr. BETHUNE: There again I am getting outside my own field a little bit. Generally speaking, the interest of Indians in agriculture is not very great, but it is dangerous to generalize in matters of this kind because there are some highly successful Indian farmers.

Senator SMITH (*Kamloops*): I realize that, but in a general way we must look for more sources of income from outside employment to take care of future needs. It is for the department which handles these things to improve the Indians opportunities for earning outside the field of agriculture or other sources of revenue within the reserves?

Mr. BETHUNE: That is correct and that is the justification for the creation of the new economic development division of the branch, which is only getting underway now.

Mr. STEFANSON: Is the expenditure shown for agriculture for the purchase of livestock? Are there any other expenditures?

Mr. BETHUNE: It is for a very wide variety of purposes. It is used for the purchase of livestock. It is used in the form of repayable assistance to put in and take off crops, to provide machinery on loan or in the way of a grant and, in fact, covers the whole field of assistance to Indians who are farming.

Mr. STEFANSON: So that actually part of it would represent capital gain in machinery and livestock?

Mr. BETHUNE: That is right, and it is partly recoverable.

The JOINT CHAIRMAN (*Mr. Grenier*): In one of the briefs presented to the committee it was mentioned that the Indians should be given more opportunity for the administration of their band funds.

Mr. BETHUNE: We have been doing that to a fair extent, but not as much as we would like. It is not because of any reluctance on the part of the administration to extend that authority but rather hesitation on the part of bands to take over this area of administration. Some 36 bands have been given authority to control the expenditures of their revenue funds, either in whole or in part, and that number is constantly increasing.

Mr. CHARLTON: You did mention that there is a hesitancy on the part of some bands to accept this responsibility?

Mr. BETHUNE: Their attitude sometimes is: "What is in it for us?" That is not common, but it is sometimes the case.

Mr. CHARLTON: Mainly in the far northern bands?

Mr. BETHUNE: No, there are not many far northern bands. There are some in northern Ontario but the extent to which they have taken over management of their revenue funds is related to the administration of welfare, and

there the province of Ontario subsidizes welfare expenditures. That is including some of these northern Ontario bands to take advantage of the provision in section 68 of the act, but the bands who are looking after the complete management of their band funds are located more in southern Ontario.

Mr. CHARLTON: In the case of some of the western bands I do not suppose they have as much band funds as in the case of Ontario bands?

Mr. BETHUNE: Some of the western bands have substantial funds and that is one reason why some of the bands have been a little, as I said, hesitant about turning this responsibility over to the band councils, and the band councils have been hesitant in accepting the responsibility. We have tried in some cases to have band councils assume responsibility for a portion of their expenditures, in order to gain experience, with a view to later giving them complete control of their revenue funds. As I said in the brief, we hope the demonstration of the ability of other bands to look after their own affairs will induce an increasing number of bands to seek authority to exercise this control.

Senator STAMBAUGH: I wish to ask a question about the band on the Hobbema reserve. They have a substantial control over their funds, have they not?

Mr. BETHUNE: All bands with funds have some control. Some 200 bands now submit their budgets at the beginning of each year, setting out the purposes for which the band revenue funds may be expended. Those budgets are submitted to Ottawa and they are approved on behalf of the minister here. In connection with capital expenditures, in practically every case the band council must, by resolution, agree to the expenditure for specific purposes and the Hobbema band exercises that degree of control. However, there has been no extension along the lines I have mentioned of giving them complete control over their revenue expenditures.

Senator STAMBAUGH: I know the band has a council which is something similar to the council of a county. It holds similar meetings at which it passes resolutions dealing with roads and other works but I do not know whether it has to have the consent or authorization of the superintendent and the department.

Mr. BETHUNE: The act requires that the minister approve expenditures. However, under section 68 a greater degree of control can be transferred by the governor in council to named bands. We require that the band councils themselves apply for the right to exercise that authority. We also require that they continue to budget their expenditures in the ordinary way. We require that they employ an auditor to audit their expenditures, and we require them to supply us with a copy of the auditor's report, and also to make it available to band members.

I have lost track of your question, sir. I am sorry.

Senator STAMBAUGH: It was with regard to how much control the Hobbema Indians have over their band funds.

Mr. BETHUNE: I have indicated the extent.

Senator STAMBAUGH: You did very well.

Senator SMITH (*Kamloops*): I wonder would Mr. Bethune, in regard to the last sentence of the second paragraph dealing with band funds, which says:

So far there has been no reason to regret this transfer of authority.

I think that is most gratifying. During the short period that you have been proceeding on this program, namely, from 1959, has it been necessary, in any case, to recall any of the freedoms or extension of authority that you have given the band? Have some of them been incompetent and have failed to live up to what you expected from them in the handling of their funds?

Mr. BETHUNE: No, sir. There has been no withdrawal of the authority extended, and we have had no occasion to feel that it should be withdrawn.

The JOINT CHAIRMAN (Mr. Grenier): It was contended in some briefs that the band council should not be the deciding authority on budgeting, but that all the members of the band should be called in and have the right to vote, whenever the expenditures would exceed 10 per cent.

Mr. BETHUNE: I think that would be an unreasonable restriction of the authority that band councils should exercise. After all, they are in the same position as municipal councils. They are voted into office by the band members, and, it seems to me, that that is a responsibility that should be discharged by a band council. However, if a band membership is dissatisfied with the way a council is operating, they can vote it out at the next election and put in another one.

The JOINT CHAIRMAN (Mr. Grenier): But, according to municipal code—at least, this is the case in the province of Quebec—when the municipality reaches that point where they make certain expenditures, they have to call a referendum to get the approval of a certain majority of the ratepayers of that municipality. Even though they have given the members of the council the authority to manage the affairs of the municipality, when it comes to large expenditures they have to get the approval of the majority of the ratepayers.

Mr. STEFANSON: Is that not just when they have to borrow money?

Mr. BETHUNE: It is when they are mortgaging their municipality, so to speak. Now, this is sometimes done. Sometimes the band council wants to test the feeling of the band itself, and they will ascertain the feeling of the band members at a band meeting. As Mr. Sullivan just reminded me, that is what happened in connection with the extension of electrical power services to the Hobbema Indians. The band council, in that instance, tested the feeling of the band just before recommending what was a fairly heavy expenditure of funds. However, it is not required by the Indian Act that a referendum be taken in connection with any large expenditures.

Senator SMITH: Have Indian bands been able to benefit from the winter works program in connection with sewerage, water and such problems as that?

Mr. BETHUNE: Yes, to quite a fair extent.

Mr. JONES: I think the number is 55.

Mr. BETHUNE: Yes, 55 bands have taken advantage of it, and the total expenditure involved was \$303,000. The number of men hired was 785, and the estimated man-days work, 18,977. These figures which I have just given you have been increased very slightly since I recorded them. However, 55 applications have been approved.

Then, provision was made—and I think Mr. Battle may have covered it the other day—for the acceleration of construction projects on behalf of bands without funds, and some winter works were provided out of appropriation.

Mr. GUNDLOCK: What is the significance of cash distribution in the amount of \$1,562,458? It is almost double that of last year. In what form is this cash distribution made? Is it simply money to be used for various purposes?

Mr. BETHUNE: The Indian Act provides for distribution on a per capita basis of up to 50 per cent of any capital moneys received. Also, the act provides for the distribution of revenue moneys. Particularly, in connection with oil revenues, the Indians have demanded a distribution on the per capita basis. This is handed out monthly, once or twice a year, or at designated periods to bands which are fortunate enough to have funds. Part of it is recovered. For example, an Indian might borrow money to buy farm machinery, or

he might be provided with a house on a repayable basis. To some extent, this per capita distribution is recovered to offset their debts to the band. But, unless a man has a debt to a band, the cash is just turned over to him on behalf of himself and family, and he spends it as he sees fit. We do not particularly like it, as we feel that sometimes better use could be made of the money. However, it is demanded by the bands and, after all, it is their own money; that being the case, it is a little difficult to restrict it to any great extent.

Mr. CHARLTON: There are not too many bands which are distributing interest from the fund?

Mr. BETHUNE: Could you say how many?

Mr. SULLIVAN: I would say that there are about 100 bands annually which make interest distributions. Generally speaking, these are made in the winter months when employment is at its lowest ebb.

Mr. CHARLTON: The revenue fund is what I was endeavouring to get at.

Mr. BETHUNE: That is what he was speaking of, when he mentioned the figure of 100. Some of those are pretty small distributions. It might be \$10 per capita once a year, or something of that nature.

Mr. CHARLTON: But, the issuing of the funds from revenue by cash payment is not too predominant.

Mr. BETHUNE: No.

Mr. CHARLTON: And, generally, that is used for the benefit of the band as a whole instead of the individual?

Mr. BETHUNE: That is correct.

There is one other point that has been mentioned to me, and it is this: before any per capita distribution is approved, unless we are committed to make the distribution by reason of some surrender or some act of that kind, it is required that the band council shall look after normal municipal requirements. So, to some extent at least, it is the funds that are available after the municipal responsibilities have been taken care of in the budget.

Mr. CHARLTON: Then, you still have partial jurisdiction?

Mr. BETHUNE: Yes. Even the per capita distribution has to be approved by the minister.

The JOINT CHAIRMAN (*Mr. Grenier*): Are there other questions on band funds and transfer of control to bands?

Mr. STEFANSON: I notice that under housing there has been a great increase. In determining who gets the housing, does the band council deal with applications and do they determine who gets a new house this year?

Mr. BETHUNE: Yes. The band councils exercise a great deal of control in that regard. So far as our control goes, if the housing assistance is not repayable, we try to ensure that either every band member is being treated uniformly fairly or that they can be given the same type of assistance. On repayable loans it is a different matter; it is a case of assessing the ability of the individual to repay and the likelihood of him doing so. Normally, however, the band councils say that this man, this man, and that man will get a house this year. We accept their recommendation. Of course the superintendent knows what the recommendation is and we expect him to advise us if he disagrees.

Mr. STEFANSON: Is part of this amount a repayable loan?

Mr. BETHUNE: Part of it is repayable.

Mr. STEFANSON: When a band council decides to build a house does the department also contribute money towards that house.

Mr. BETHUNE: Not if there are enough band funds. If band funds are limited, there may be a contribution from band funds and from the welfare vote. If band funds do not warrant any expenditure, it is taken care of out of welfare vote.

Mr. STEFANSON: Have you now noticed an improvement in the standard of the housing on the reservations?

Mr. BETHUNE: I think that is correct right across Canada. There has been a very definite and noticeable improvement.

Mr. MUIR (*Cape Breton North and Victoria*): But in spite of the increase there is still a great shortage of housing.

Mr. BETHUNE: Yes.

Mr. MUIR (*Cape Breton North and Victoria*): On some of the reservations.

Mr. BETHUNE: Yes. I think the welfare division has been exploring, or surveying that situation, and my understanding is there is still a very considerable need for housing.

Mr. MUIR (*Cape Breton North and Victoria*): Have you some hopes of expanding the expenditures for housing.

Mr. BETHUNE: We do not have any housing vote.

All that the reserves and trust division has is the band funds to control.

Mr. JONES: The amount set aside from appropriations for housing was \$1 million until two years ago; then it was doubled to \$2 million. We always have a battle with treasury board to get any of our monies.

Mr. MUIR (*Cape Breton North and Victoria*): You did not do too badly when you increased it from \$1 million to \$2 million.

Mr. JONES: It was a pretty generous jump and in line with other requirements of the branch. I think that if that amount is not satisfactory, we will always get a good reception if we can prove we need more. It is something very close to all of us in the branch; that is, the need for improving housing, because I think you cannot further the health and education of Indians and have a slum condition. So the three go hand in hand.

Mr. SMALL: In this cash distribution quite a sizeable chunk is given to individual Indians. Is some of that money going into housing?

Mr. BETHUNE: Some of this cash distribution money is actually repaid to the bands on account of housing loans they have made. That is, an Indian would borrow a certain amount from the band for the purpose of building a house for himself. He would assign his share, and perhaps his wife's share of the interest distribution and this is taken back into the band funds.

Mr. SMALL: This kind of money could be going towards housing. As it is a sizeable sum they should pay some of it towards housing.

Mr. BETHUNE: They do. Some of it is recovered.

Mr. STEFANSON: When a band council decides on building a road are you sometimes able to arrange with the provincial government to pay the cost of the road?

Mr. BETHUNE: Yes. In Ontario practically all roads constructed on Indian reserves are subsidized by the province to the extent of fifty per cent and bridges to a higher proportion.

Mr. SMALL: When houses are built are they inspected according to the building code of the province or of the nearest municipality in order to see that they are properly built?

Mr. BETHUNE: I would not say they meet the standards set by some housing codes which are set up by the provinces, but they are all subject to examination not only by the Indian superintendent but also by our own engineering and construction division. A construction supervisor would be keeping his eye on the place that is going up.

Mr. CHARLTON: Provinces do not have any codes as such; it is the municipalities?

Mr. SMALL: I am thinking of such things as sanitation, firm foundations, good workmanship, and no cheating by the people who build them.

Mr. BETHUNE: We depend on our own staff, either agency staff or engineering and construction staff, to see that no one is cutting corners. Sometimes the Indians contribute themselves. I did not mention this; but in a good many cases the Indians will contribute either labour or a portion of the cost. So there might be a three-way source of funds—individual Indians, band funds, and welfare funds. We endeavour to get the Indians to contribute to the greatest extent possible.

Mr. SMALL: That would be where some of this cash distribution might go back.

Mr. BETHUNE: It might go back in that way also.

Mr. CADIEU: Are the Indians encouraged as much as possible to take part in the building of these homes?

Mr. BETHUNE: To the extent they are able to do so, yes. A good many of the homes are built either under contract where the greatest number of Indians is employed by the contractor rather than some Indian taking on the construction completely. Some Indians do that; they build their own homes. By and large, however, I do not believe that is the case.

Mr. CADIEU: But it is being encouraged?

Mr. BETHUNE: Yes, on the Blood reserve the Indians as a group are building and looking after their own houses. They employ a carpenter foreman.

Mr. SMALL: In the last paragraph of page 4 is the following sentence:

Our feeling is that the Indians will learn more readily from experience than from our telling them—and, of course, they may be right.

Would that apply to the Sarnia deal?

Mr. BETHUNE: Yes. I do not except the Sarnia transaction. Do you wish me to comment on that?

Mr. SMALL: Yes. I think they made a good deal.

Mr. BETHUNE: I think they did too. The Sarnia Indians are a fairly advanced group and have some pretty astute men on their council and in the band. The desire to sell a portion of their reserve originated with themselves. At the start in both deals they indicated they wanted to exercise this control to a great extent. They were given that right. They employed their own solicitor in both cases. Our main responsibility we felt, first of all, was to decide that it was in order to dispose of the land by sale; that is, that they did not need it for any foreseeable period of time ahead, and that they would receive a fair price for the land, and that they were protected by contract if and when a contract actually was entered into and also that the surrender when given would be in a form in which we could pick it up and take hold of it.

I think the results of the sale speak for themselves. They got a very substantial amount of money for a relatively small piece of land. Each member of the band received a substantial distribution equal to nearly \$1,200 for every man, woman and child on the band. Some of the individual Indians who had agreed to sell their land received ten per cent and in three of those cases that

ten per cent exceeded \$10,000. It has been a very profitable transaction for the Indian band. This land was largely unused at the time of the sale and had been for some time. The band of Indians agreed to provide for the creation of a modern well laid out townsite, and while that has not progressed, largely because the Indian council so far has not been ready to recommend it, the band funds have increased by a very substantial amount—a little over \$1 million—and the individual Indians or band members have received this per capita distribution. Some members whose land was sold received very large amounts and others who had agreed to sell received very large amounts.

Mr. SMALL: This is one case in which the Indians made a very good deal and the white man did not outsmart them.

Mr. BETHUNE: I think they made a very good deal. It turned out to be profitable to them.

THE JOINT CHAIRMAN (*Mr. Grenier*): If there are no further questions on this subject, we will proceed to the next one, reserves in general, at page 5,

Mr. CADIEU: It is noted in this brief that reserves probably tend to segregate the Indians. It seems to me there is no alternative other than to have reservations—and I am speaking now particularly of the northern parts of the prairie provinces. It seems very difficult to get any housing under way unless you have a reservation for the various bands.

Mr. BETHUNE: Well, you need some security of tenure, to start with, before you can put up any houses. Under treaty, these bands are entitled to land, if they have not received it already. You cannot very well deny them the settlement of that entitlement, so whether or not you agree, or you feel that reserves are good or otherwise, from the Indians' standpoint, we feel, reserves must be continued to be held and properly administered, because of not only the entitlement of the Indians to the reserves, but because of the values they place on them. Reserves mean a great deal to Indians, and whether we like it or not, I feel we are going to have them for a good many years to come.

Mr. CADIEU: I would like to refer to these northern bands which have been there for a good many years, and I am thinking particularly of the LaLoche band. What has been the delay in setting up a reserve, where they could obtain proper school facilities and a start on home-building? I think, possibly, that this is one of the most deprived bands in all of Canada, and I am wondering what the hold-up is in getting a reservation set up whereby some sort of education can be given to them, and a start on housing made. Is it the provincial governments or the Indian affairs branch which is holding it up?

Mr. BETHUNE: Well, I do not think it is quite either, Mr. Chairman. I believe—and I am speaking without being too sure on this point—that a reserve has been selected. In fact, two reserves have been selected for the LaLoche band, and application has been made to the province for these reserves. There are about five bands in Saskatchewan which either have not received any reserves as yet, or not received their full entitlement, and we are in the process of trying to agree on what specific areas should be applied for.

One of the reasons for the delay is that these Indians, to a large extent, have been nomadic in the past; they have changed their minds from time to time, over a fairly long period of years as to what areas they want set aside for reserves. Last year, and again this year, our regional office has been trying to crystallize their thinking in order that we may secure some lands before they are disposed of to a large extent, thereby leaving something a little less desirable than they might otherwise secure if we made application now.

In answer to your question in regard to the provincial attitude, I would say that we have not found the province unsympathetic, nor do we anticipate any great difficulty in securing the lands the Indians are entitled to, once the Indians and we make up our minds as to what areas should be requested. However, the delay is due to the nomadic nature of the Indians and the fact they have changed their minds from time to time. In addition to that, it is somewhat difficult to locate lands that really provide a fairly assured source of revenue. I am referring to lands which, potentially, are fairly good. Of course, you know better than I do, the nature of the terrain up in that area.

Mr. CADIEU: I have noticed, in connection with other areas in northern Saskatchewan where the reserves are not definitely defined, that the department has helped some of them with home-building. I am thinking of the Black Lake and Stoney Rapids area. The reserves are not defined, as yet, there. However, the department have assisted, to some extent, with home-building and with educational facilities. I was wondering why the LaLoche area had been left out.

Mr. BETHUNE: If I recall correctly, again it is the question of determining what lands were really best suited for the LaLoche Indians. It seems to me that they straddled the inter-provincial boundary, to some extent. Two areas have been earmarked tentatively at both areas you mentioned, namely, Black Lake and Stoney Rapids, and I would think that we probably will be bringing that to some finality during 1961. At least, we are trying to do that. We have written our regional office asking them to bring it to a conclusion as soon as possible.

Mr. SMALL: If I may say so, you have taken something out of these two paragraphs in your brief and put them together.

In one paragraph you say that the Indians attach great importance to their reserves, looking upon them as something in the nature of sanctuaries, and that any move to alter the status of the reserves should originate with the Indians themselves. Then, in the next paragraph—and I am skipping the first part of it—you go on to say that it is not the policy to provide additional reserve lands to meet the needs of the rapidly expanding population, but rather to prepare Indians for outside employment.

There are locations where Indians do not have sufficient land on reserves, and in other cases, they are not making the best use of the land they have.

You have said it is not your policy to provide additional reserve lands. Perhaps they could purchase land for themselves, out of their band funds. If so, how would that be handled?

Mr. BETHUNE: Well, we do approve purchases of that kind from time to time. However, it does not occur to any great extent. First of all, there are not too many applications from Indians to buy land out of their own funds.

There is another angle to this matter: when you buy land, you take them out of a tax-paying category, and it may create a problem for the local municipality. However, we do buy lands, and we buy them occasionally out of band funds.

Mr. SMALL: You say that it would put them into a preferred class, where there is no taxation on them, and they are exempt from then on?

Mr. BETHUNE: That is right. We do not feel there is any real answer to the Indian problem in acquiring more lands.

Mr. SMALL: Take, for instance, the case of Sarnia; they have disposed of lands for large sums of money, and they are using the money which they obtained. Probably at some future date, if they rapidly expand, they will be looking for more land for the reserve, because they regard it as a sanctuary. It is my feeling that they should buy more land, if they need it, out of the

funds which they have received, and not look to the federal government for this.

Mr. BETHUNE: They could buy as individuals.

We do think that the area they are retaining there will look after their housing requirements for a long time to come and, by that time, perhaps they will not be a band.

Mr. SMALL: I am thinking of the extension for purposes of timber, fishing and hunting, and that is out of the question now because there is no such land available there.

Mr. BETHUNE: That is correct, as far as Sarnia is concerned.

Mr. SMALL: So the necessity for more land for hunting and fishing does not constitute a practical problem for them in the future.

Mr. BETHUNE: No, not for that particular band.

Mr. SMALL: I move we adjourn.

Mr. BARRINGTON: Before we adjourn, Mr. Chairman, I would like to refer back to page 2, paragraph 3. I apologize for not being here when this was discussed. Would the witness identify the band which is on this one reserve where individual ownership of land has been in effect for generations, but cannot be formally evidenced in some cases due to lack of allotment by the band council?

Mr. BETHUNE: Is that in paragraph 3?

Mr. BARRINGTON: Yes.

Mr. BETHUNE: That is Caughnawaga.

The CHAIRMAN: If there are no further questions, gentlemen, the next witness to be called will be Mr. R. F. Davey, on the subject of education.

Mr. Davey already has been before this committee before, namely on June 16th, 1959, and he presented a brief at that time.

I believe it would be in order now to adjourn until this afternoon. This will give the members of the committee an opportunity to prepare questions on the brief which Mr. Davey presented two years ago.

Mr. Davey will not present another brief this afternoon, but if there are any further questions you wish to direct to him in connection with education, he will be available to you.

AFTERNOON SESSION

THURSDAY, May 18, 1961.

The JOINT CHAIRMAN (*Mr. Grenier*): Ladies and gentlemen, we now have a quorum. I call the meeting to order. This morning when we adjourned I told the committee that Mr. Davey had already presented a brief, and that we would proceed to question him this afternoon. But I now found that he has also prepared another brief to bring the committee up to date on this matter of education. So I shall now call on Mr. Davey to read his brief to the committee.

Mr. R. F. DAVEY (*Chief of the Education Division, Indian Affairs Branch*): Mr. Chairman, ladies and gentlemen; with your permission I would like to answer two questions which were raised at previous meetings, when Col. Jones indicated he would have me answer, if the committee decided to recall me. The first question was asked by Mr. Muir on May 2, and it related to the employment of physical education teachers on reserves. The department employs a total of five physical education instructors, three of whom have been assigned to day schools, and the other two are at residential schools.

On May 10, sir, you asked whether or not the branch had any difficulty in recruiting craft instructors, and you made special reference to the situation

at Restigouche, and Maria. It is extremely difficult to secure competent instructors not only in the crafts, but also in the industrial arts, including woodwork, metalwork, and so on. However, we were very fortunate in being able to give assistance to a young Indian, Mr. James Moffatt, to take training in this field, and to secure his services for the Restigouche and Maria reserves in 1955. He is a member of the Restigouche Indian band. I am informed that he did excellent work and that his reputation in this field was so well established that when the Indian pupils in the higher elementary grades were admitted to the non-Indian school, the school board employed him to give instruction in this field in their school.

I might add that the Restigouche Indian school now gives instruction only in grades I to III inclusive and that the other Indian children from this reserve receive their education in the nearby non-Indian school. Negotiations are presently under way for total integration at this point.

When Mr. Moffatt was employed by this branch he worked 4 days at Restigouche and one day at Maria.

The great difficulty in securing competent instructors is further complicated by the limited employment at the Maria school. I might also mention that industrial arts is taught in the provincial system only from grade VII up and only when the enrolment justifies it. The number of pupils registered in grade VII at the Maria school at the present time is 9 of whom 6 are boys. Above grade VII, the pupils go to the non-Indian schools.

When I last appeared before you in June of 1959, I gave a brief resume of some of the policies which govern the administration of the work of the education division and I referred briefly to what appeared to be the most urgent problems. I stated that the aims of the programme could be classified into three broad categories:

- (1) The education of school age children as a preparation for them to take their place in Canadian society as socially and economically competent citizens.
- (2) The education of children and adults to develop a corps of leadership for Indian communities.
- (3) To prepare Indian adults for employment.

To achieve these aims special emphasis has been placed on the education of Indian children in association with non-Indians wherever this is possible. You were informed that the total enrolment of Indians in schools of all kinds totalled in 1958 37,537 of whom 7,330 were enrolled in non-Indian schools. Today the total enrolment of Indian children in all schools is 43,115 of whom 10,822 are known to be in non-Indian schools. These figures indicate that of an increase of 5,578 children attending school, 60 per cent or 3,492 was due to the growth of the enrolment in non-Indian schools. About two months ago a study was made of the number of non-Indian schools attended by Indian children, and it was found that these totalled 1,055.

The gathering momentum of the programme of integration is illustrated by the fact that during the past fiscal year twenty agreements with school boards were completed whereby this department made contributions of \$1,330,754 towards the capital cost of school facilities to enable the admission of Indian children. This represents nearly 20 per cent of the 104 agreements now in force. The 1960-61 fiscal year was, therefore, the most successful in the terms of the amount of space purchased for the use of Indian children attending non-Indian schools and increased enrolment.

When I last appeared before you, I stated that it is the policy of the department to follow in our own schools the curriculum laid down by the province in which the Indian school is located, with some adaptations to provide for special problems and needs. It is quite apparent from studies conducted both in Canada and the United States that Indian pupils attending non-Indian schools are displaying weaknesses in the language skills. A research programme in language instruction, now in its second year, in the Indian schools in the Maritime provinces has developed teaching techniques designed to strengthen and improve English language instruction, and an interim English language course for beginners was issued to 125 teachers in the larger Indian schools across Canada on an experimental basis in September, 1960. At the end of the current school year its value will be assessed through questionnaires prepared by the teachers using it. This beginners' course gives emphasis to language instruction. It augments the provincial course of studies and sets patterns for remedial work where it is needed.

In this regard it is quite apparent that one of the major tasks of the Indian school is the preparation for entrance of the pupils to a non-Indian school. In spite of the apparent improvements that have been secured in the Maritimes through the use of this programme in schools of that area, I am convinced that the best solution for this problem is the admission at the earliest possible age of Indian children into non-Indian schools. Integration of this nature carries benefits quite beyond the matter of language and other academic skills. If the Indian is to fit into the social and economic life of Canada, he must be aware of the attitudes and social customs which are acceptable in the non-Indian culture. Recent studies conducted in the United States indicate that the most important factors in successful employment are, in addition to facility with English, the acquisition of attitudes which are acceptable in the non-Indian community. Unless the Indian is made aware of these attitudes and is informed of the penalty of not conforming, he is being cheated, and I am confident that this awareness will be developed most readily by his association as soon as possible with non-Indians in a common school.

The relationship between high school education and employment received widespread notice this winter. The development of our high school programme for Indian children will, therefore, be of special interest to you. Only in a few residential schools do we offer instruction in the high school grades in Indian schools. Whenever possible, high school students are placed in high schools in larger urban centres offering a diversified course of studies as well as technical training. The progress that has been made is shown in the comparative figures for 1950 when 736 were enrolled in grades 9 to 12 and for 1961 when 2,663 were enrolled in these high school grades, a threefold increase.

In my remarks today I have been speaking of the education of Indians of school age, but if we are to make the greatest possible speed in raising the educational status of our Indian people, adult education must not be neglected. Although there has been some progress in this regard in the last two years, there are still tremendous opportunities for advancing the programme, especially for young adults. The number of Indian people taking training through adult education classes during the past year was 1,590, which is a clear indication that our Indian people are eager to take advantage of the opportunity afforded through these programmes. Considering all phases of the adult education programme for the year, the upgrading projects are probably the most deserving of special comment. These courses are designed to help young adults who have insufficient high school credits to take special training to fit them for employment. During the year courses of this kind are being offered at Regina, Prince Albert, Edmonton and Muncey. These courses enrolled approxi-

mately 180 Indian adults, of whom most will either find jobs or enrol in vocational training courses judging by our experience with a pilot project operated last year in Regina. In this particular course, of the fourteen adults enrolled, one dropped out and all of the rest either proceeded into vocational training courses or found employment. It is recognized that the present year's programme involving 180 students is merely scratching the surface and that there is ample opportunity in the prairie provinces alone to provide for courses of this nature with a tenfold increase in enrolment.

With a view to determining the best approach to training for employment, particularly in the prairie provinces, a conference was held in Edmonton last fall which was attended by representatives of the national employment service, a representative of the federal department of labour and branch officials concerned with education and placement. It was quite evident that the chief prerequisite for placement in employment of substantial numbers of Indians of the prairie provinces was a concentrated effort to improve the academic skills and knowledge of the social conventions. The first step taken following this conference was to make an assessment of the number of young adults who could be upgraded in a short course of six or eight months' duration to enable them to meet the requirements either for vocational training or immediate employment. This survey indicated that there were approximately 2,000 Indians of the prairie provinces in this category and steps have already been taken as indicated above to expand the upgrading programme. I wish to emphasize that it is essential that the academic status of our Indian people be raised as quickly as possible and that in our educational programme our efforts should be concentrated to this end.

In these brief introductory remarks, I have attempted to supplement some of the information which I presented when I appeared before you two years ago, and I have not attempted to cover the scope of the work of the education division but merely points which seemed to me most significant.

The JOINT CHAIRMAN (*Mr. Grenier*): For the questioning, we shall follow our usual procedure and start from page one.

Senator INMAN: In paragraph three you say:

To prepare Indian adults for employment.

What does that mean?

Mr. DAVEY: It means two things, first of all, preparing them so that they have the pre-requisites for admission to vocational training schools and, secondly, to get them enrolled in the special vocational training courses.

Miss LAMARSH: May I inquire of the witness has he any figures on the degree of literacy among Indians, broken down into English, French and tribal languages, as between adults and children?

Mr. DAVEY: I cannot answer that question, although a study was made of the subject about five years ago which indicated that on half the reserves about 25 per cent of the Indians were not able to read simple material from a newspaper or do simple arithmetical computations—simple addition and subtraction.

Miss LAMARSH: Five years ago 25 per cent were not?

Mr. DAVEY: Twenty five per cent on half the reserves.

Miss LAMARSH: Were not able to?

Mr. DAVEY: That is right.

Miss LAMARSH: You say you have a better program since then. Do you think that less than 25 per cent are illiterate now?

Mr. DAVEY: Yes.

Miss LAMARSH: And you include adults and children?

Mr. DAVEY: This study concerned only adults.

Miss LaMARSH: I had occasion to inquire of a private association dealing with both Indians and Eskimos, and their estimate was closer to 65 per cent of adults, as of now.

Mr. DAVEY: I do not know the authority for that but, so far as I know, the only objective study attempted in this field was the one we conducted about five years ago.

Miss LaMARSH: You have spent a lot of time on your educational program during the last couple of years. May I suggest it might now be time to make a study to see how many people you are reaching? You mention 180 adults, which is a drop in the bucket.

Mr. DAVEY: Yes.

Miss LaMARSH: While the numbers are much larger for children in high school, obviously these are the ones who are coming from public school. I wonder are the people on reserves getting nearer to 50 per cent literacy, and I am speaking of all ages.

Mr. DAVEY: Almost all the children of school age are now at school. By school age I mean from seven to sixteen years of age. Out of a total school age population of approximately 45,000, there are not more than 2,000 children of school age who are not in school.

Miss LaMARSH: Therefore those children will be able to read either English or French. Now, there was evidence given the other day that there are one, or possibly two bands, which have their own written languages. I presume you do not have statistics available as to how many are able to read their own languages?

Mr. DAVEY: So far as I know there are no statistics giving that information.

Senator INMAN: I am also interested in your statement at the bottom of page one on progress in the maritime provinces. Of course that is the area with which I am most concerned. Are there any Indians who do not speak English in the maritime provinces?

Mr. DAVEY: Not that I know.

Senator INMAN: Not that I know of either.

Mr. DAVEY: I know that all of them who come to school are able to speak English to some degree, but this does not mean they have as wide a vocabulary as children of other ethnic groups coming into the school system.

Senator INMAN: I have come into contact with a lot of maritime Indians and I found most of them able to speak English quite well. I think most of them now go to non-Indian schools, and I am always intrigued with the manner in which they regard themselves. I may mention that I have a cousin who happens to be on the bench but, when he has to try any of the Indians they all pretend they cannot speak English. I would be interested in knowing, do they preserve their own language to any extent?

Mr. DAVEY: Apparently some families do use Indian at home. How extensive this is, I am not able to say, but I do know that the Indian children in the schools show a disability, a language disability. They may be able to speak English but their vocabulary is limited as compared to white children.

Mr. BALDWIN: I wonder have you given any thought to the question of making use of radio facilities in the far northern areas. I have discovered that many of the Indians are really avid listeners to certain types of radio programs. A lot of them like to get as close to a radio as possible. Could some arrangement be made with the C.B.C. to have their programs taped and sent to the local stations for use in that regard?

Mr. DAVEY: Mr. Chairman, we have used radio fairly extensively in our schools. That is to say, we have installed receiving sets in the schools for use in conjunction with most of the provincial broadcasting programs. However, we have had quite a lot of difficulty in this regard because in many areas radio reception is so poor that school broadcasts cannot be received during daylight school hours. We find that the record player seems to be more useful than the radio in that regard.

Mr. BALDWIN: The reason I mentioned that is because in the area from which I come, not only in my constituency but in the area served by radio, some of the western programs transmit birthday messages and congratulations, and about 90 per cent of these are directed to the native groups. This includes the Metis group as well as the Indians, and the people in radio tell me that requests for these messages largely come from the Indians and Metis. It occurs to me that this is a source for providing more education.

Mr. DAVEY: I may say, Mr. Chairman, that we have distributed radios quite widely. I am not able to say how widely in terms of the percentage of the number of our schools equipped with radios but, when we get a request for a radio, the first thing we do is to check on the reception in that particular area. If there is an assurance that provincial school broadcasts can be received then we provide a radio.

Mr. BALDWIN: Of course in that area you come up against the problem of provincial education, and you do not like to launch an education program unless it is sponsored by the provincial authorities.

Mr. DAVEY: Yes.

Miss LAMARSH: I should like to ask a question of the witness which came up when, I think, the brothers of Senator Gladstone were here. They complained that the education which their children were receiving was not a fit education for children who were going back on the reserves, that it was completely valueless to them on the reserves and, as a consequence, was wasted on them. Instead of going into integrated communities they went back on the reserves, and what they had learned was useless to them. Has the witness any comment to make on that?

Mr. DAVEY: We try to design the educational program to meet the economic situation of the reserve in which a school is located. We try to do that within the limits of the provincial program and my understanding is that the occupants of most of the reserves, particularly in the southern areas of the provinces, will be competing with the non-Indians; no matter whether it is farming or how they earn their livelihood. They are in competition and therefore their training must be very similar to that of the non-Indian community. We have attempted to make adaptations, such as at Moose Factory, a rather remote area where the school, which happens to be a boarding school, has a registered trap line. We try to meet the specific needs of that area in that way.

Miss LAMARSH: Is that done anywhere else? Do you try to fit your programs not only to the three R's but also to the skills which will be necessary when the Indian children return to the reserves?

Mr. DAVEY: It is my opinion—and this is a personal opinion—that the three R's are basic to being able to make a livelihood today, whether you make that livelihood on a reserve or off it. Consequently, we are placing emphasis upon academic instruction. Many of these people, of necessity, will find employment away from the reserves and they must be equipped to compete with non-Indians. The figures issued by the national employment service indicate very clearly that there is a direct relationship between academic status and employment.

Miss LAMARSH: I think that is a good point if they are all going off the reserves but, if the children did not go away to school, they would be learning skills at home, skills in trapping, fishing, farming, how to make birch bark canoes—all the skills that are peculiar to Indians. But, if they are taken away from home and placed in schools from the age of seven to sixteen, when they go back to the reserves they will not be equipped with the knowledge of how to live under the circumstances in which they have to live on the reserves.

Mr. DAVEY: It is very difficult, Mr. Chairman, to give a general answer covering such a wide diversity of conditions. The reserves in southern Alberta, which I expect are the reserves to which you are referring, are not predominantly trapping and hunting communities. They are communities which are pursuing a mode of life which is very close to that of their neighbours. Agriculture and carpentry are occupations which are common to southern Ontario and southern Alberta.

Miss LAMARSH: It is unfortunate the co-chairman is not here because he, apparently, had pretty strong feelings himself on this.

THE JOINT CHAIRMAN (*Mr. Grenier*): Is it not a fact that the same thing applies to white children who go to school until grade nine or ten, and then return to their fathers' farms, without any special knowledge of farming?

Mr. DAVEY: We are faced with this dilemma, that we provide the academic program which obviously is a prerequisite to admission to vocational schools, where specialized skills can be taught, or we dilute our program to the point where we have children who are not able to get into high school. Now, the figures on national employment service clearly indicate that, without something better than elementary school education, it is almost impossible to get a job; and these people are going to have to compete for jobs with the non-Indian population.

Senator INMAN: What is the standard for your teachers in Indian schools? What is required?

Mr. DAVEY: We require professional training in accordance with the requirements of the province. In other words, if a teacher has been trained to a standard acceptable in the province, let us say, of Alberta, we are prepared to offer him employment in one of our Indian schools, whether it be in Ontario, the Maritimes, or British Columbia.

Senator INMAN: I am thinking of a case in our own province where we have very few Indians. After the first World War, there was the son of a chief, at that time a sort of hereditary chief. This boy obtained his bachelor of arts degree and in England he married the daughter of an Anglican church bishop. This girl thought that she was marrying an east Indian prince. He came eventually to visit his own people, and then to go west to teach. She planned to join him out there. But in the meantime she was able to catch a ship which arrived earlier than was expected, so she landed at the reserve. However, she stayed with him, because she had married him for better or for worse. She stayed with him and she did a wonderful job. They gave him a school out there, and built a house for him to live in. He certainly gave those Indian children a good education. I just wondered how that fitted in. I do not know if the director will remember this case, because it was a good many years ago, just after the first World War. The name of the Indian was John Sergeant.

Mr. DAVEY: We normally require that the teacher have professional training. This does not deny that some people do have a natural aptitude for teaching. But these people who have this natural aptitude will be even better if they have had professional training. In addition, to that, you must have

some standard by which to judge whether a person is acceptable or not. The best criterion that is known to us is professional training.

Senator INMAN: I remember that this man did a good job.

Miss LAMARSH: Could you tell us the number of men as opposed to the number of women who are teaching for the branch?

Mr. DAVEY: I can provide that information. I am not sure whether I could provide it this afternoon.

Miss LAMARSH: Generally speaking, are your teachers young people, or are they those who are misfits elsewhere in the community?

Mr. DAVEY: Perhaps I could get the information about the number of male teachers later. In answer to the second question, I can assure the committee that we do not tolerate misfits in our schools. We have two criteria to go by or two assessments to go by. We have the assessment of our own people, and we also have the assessment of the provincial inspectors whom we ask to make the same assessment of the people in our schools as they would make it if they were visiting their own schools.

Miss LAMARSH: The role of a teacher in the Indian school is considerably greater than that of a teacher in a non-Indian school in an ordinary community?

Mr. DAVEY: I would be the first to agree to that, since I have been a teacher in an Indian school for two years. I realize the responsibilities that are placed upon the teacher in an Indian school.

Miss LAMARSH: Do you have a policy of leaving them in a school for a limited period of time only?

Mr. DAVEY: We have no definite policy in that regard. If it is apparent that the teacher should be transferred, we attempt to transfer him. But on the other hand, some teachers have stayed for a number of years in an Indian community and have continued to make a very special contribution to that community both in the classroom as well as outside the classroom.

Miss LAMARSH: Does the department have any program for training new teachers before they are sent to an Indian community?

Mr. DAVEY: Yes, we do. However this program is not nearly as extensive as I would like it to be. Perhaps I can give you an indication of some of the ways we try to provide this orientation, if that word is acceptable. Each year, for the last three years, we have been running a special course at North Bay for teachers going into schools in northern Ontario. In almost all regions, if not all, the teachers meet together for conventions and institutes. People from both their regional office as well as from our own head office, and from the provincial department of education, are invited to address these people and to try to indicate to them the type of problems that they are likely to encounter and to suggest ways of meeting those problems.

Miss LAMARSH: You do not have anything like that in Ottawa, to bring teachers together before the school year commences?

Mr. DAVEY: No, with the one exception of northern Ontario, that is true.

Miss LAMARSH: Is there any program in the branch whereby you take teachers after a certain period of time and give them an opportunity to receive higher education themselves, in order to make them more useful?

Mr. DAVEY: Yes, we encourage this, and I think at the present time—I am sorry I do not have the figures here; but from memory I would say there are about 30 who are at the present time attending universities, taking training while on educational leave.

Miss LAMARSH: Does the branch assist them financially?

Mr. DAVEY: No, the branch does not assist them.

Miss LAMARSH: What is your wage scale in comparison to the average wage scale in the province?

Mr. DAVEY: Mr. Chairman, the scale of salaries is the same in our service for the whole of Canada. In most provinces our scale is above the average scale for the province. The two exceptions to this would possibly be Ontario and British Columbia.

Miss LAMARSH: Are they in receipt of living allowances or special allowances for being away from their own community, in addition to their salaries?

Mr. DAVEY: Yes, they are. These allowances can run as high as \$2,000 in the case of a married couple.

Miss LAMARSH: Have you received complaints that these are insufficient—I mean both the allowances and the wages?

Mr. DAVEY: We have not had any complaints about the wages. But there have been suggestions sometimes—you see these allowances are paid according to the classification of the post; with respect to its degree of isolation; and in a few cases some teachers have felt that their post should have been given a higher rating for isolation pay purposes. This is a factor, however, which is not controlled by this department or by the education division. The isolation allowance that is paid on the same scale which applies to all civil servants.

Miss LAMARSH: Is your recruitment program satisfactory? Are you getting enough teachers?

Mr. DAVEY: We are still having difficulty in recruiting teachers, but in this respect I do not think we are any different from most rural or remote provincial schools.

Miss LAMARSH: Are you up to full staff now with qualified teachers?

Mr. DAVEY: No, Mr. Chairman, we are not. About ten per cent of our positions are filled—

Miss LAMARSH: With warm bodies, or with qualified teachers?

Mr. DAVEY: With warm bodies; ten per cent of these have not had professional training. This ten per cent is an approximate figure. I think the exact number is 11.1 per cent.

Miss LAMARSH: These people have had no training at all in order to teach?

Mr. DAVEY: They have had no professional training; that is, they have not been to a teachers' college or to a normal school.

Miss LAMARSH: How does that compare with provincial averages with respect to non-qualified teachers?

Mr. DAVEY: Mr. Chairman, I cannot give you an exact answer to that, but we do have the information in the department and we are continually examining it. I would be glad to provide the information at some later date, if that would be acceptable.

Miss LAMARSH: What is the purpose of the 11 per cent? Surely this means that you are not getting qualified people, because I assume you would not take an unqualified person if a qualified person was available.

Mr. DAVEY: That is right.

Miss LAMARSH: I think you said a moment ago that your recruitment program was satisfactory.

Mr. HENDERSON: One of the best teachers we had for Indians was not a professional teacher. Her husband was a professional teacher, and they taught as a team. This was at Moberley Lake.

Miss LAMARSH: You will not find too many departments of education in the provinces that will agree with you. In what province is French taught as a school language? Is it just Quebec?

Mr. DAVEY: It is only in the province of Quebec.

Miss LAMARSH: What about southern Manitoba and Nova Scotia?

Mr. DAVEY: No, the only French-speaking Indians, to my knowledge, are in the province of Quebec.

Miss LAMARSH: Is religion taught formally anywhere in the departmental schools?

Mr. DAVEY: A period of 30 minutes per day may be devoted to religious instruction, and in some places religious instruction is given. I would expect that in most of the schools religious instruction is given.

Miss LAMARSH: Who determines what religious instruction is given?

Mr. DAVEY: Mr. Chairman, the type of religious instruction that is given is dependent upon the wishes of the band.

Miss LAMARSH: Or of the band council?

Mr. DAVEY: Well, the act is very specific in this regard, and it says that where the majority of the members of a band are members of a particular religious body, the teacher employed to teach on the reserve shall be of that religious affiliation.

Miss LAMARSH: Then I take it that almost all of your teachers are recruited from people who are not necessarily bilingual, that is, the non-French speaking groups are greater amongst your teachers, since they have only to teach French in one province.

Mr. DAVEY: That is correct. Most of the teachers in Indian schools are English speaking. Incidentally, in that regard, the total number of French speaking pupils in Indian schools as of January 1, 1961 was 1,323.

Miss LAMARSH: You say in French speaking schols?

Mr. DAVEY: That is right; they are French speaking pupils.

Miss LAMARSH: They are all in Quebec?

Mr. DAVEY: They are all in Quebec.

Miss LAMARSH: Do you attempt to teach English or French students elsewhere?

Mr. DAVEY: Well, I could not go quite that far, because in some provincial departments of education they require as part of the curriculum, instruction in French; and where this goes, instruction in French is given. But the language of instruction is not French; that is, all the classes are not given in French.

Mr. STEFANSON: On page one it says that this department made contributions of \$1,330,754 towards the capital cost of school facilities to enable the admission of Indian children. Is all that money just paid for tuition fees for children, or is part of it used for enlarging the schools?

Mr. DAVEY: All of it is for enlarging schools and providing equipment, and in some cases architects' fees and landscaping; but more is spent on tuition fees. Expenditure for tuition fees is a much larger amount.

Mr. BALDWIN: I suppose Mr. Davey would accept the proposition, having in mind the great variations which exist in different areas in Canada, that the program must be one of the utmost flexibility.

Mr. DAVEY: I certainly accept that.

Mr. BALDWIN: And that while you have ideal control, there are sometimes occasions when you have to settle for something less than ideal, like most of us. Maybe I had better just speak for myself and say that I was being questioned on this statement. Now, you refer in one place to the fact that you attempt wherever possible to place high school students in high schools in larger urban centres, with the idea, of course, where possible, to bring the Indian children out and let them complete their education in a school with a large number of other people, in an atmosphere and environment where civilization has been quite apparent for some years. That is the ideal. Would you not agree with me if I suggested to you that we could, wherever possible, say that that program is made available to those students whose parents are desirous, or who wish this to be done—that is, that their children should go to those places?

Mr. DAVEY: Yes.

Mr. BALDWIN: I am quite sure, and I think this is borne out by what I have heard, and in correspondence, that should it become apparent that when the children—or rather that the parents of a child are not anxious that he continue, that you would not insist that the child should go to a large city high school outside of his own environment?

Mr. DAVEY: Mr. Chairman, our minister has stated that the policy of this department will be that integration will be provided wherever this is possible, with the consent of the Indian parents, but that integration will not be forced upon parents against their wishes.

Mr. BALDWIN: I assume that you would carry it a step further. If there were students in a higher grade, bearing in mind the fact that sometimes children do not want to go away from home...

Mr. DAVEY: Well, Mr. Chairman, the youngsters at high school level are at an age when we cannot compel them to go to school.

Mr. BALDWIN: I am glad to hear that, because I think that is the policy of the department. If we could take a stage below the ideal, assuming that there are certain areas where you would have a measure of integration on the white side, would you consider a school situated in an environment native to the Indian children? That might be the next best step.

Mr. DAVEY: Yes; the answer to that is yes, indeed. We do have situations such as have been described. I can think of one in British Columbia where the Indian population and the non-Indian population have very similar backgrounds, and where integration is working very satisfactorily. It is very difficult, however, to generalize about this situation.

Mr. BALDWIN: Probably, as the witness may have suspected, I have been leading him gently to the discussion of a particular case in my very important riding, where a number of children have gone out to high school in Edmonton over the last year. I had a lot of correspondence to the effect that the children, the parents and the teachers suggest some measure of unhappiness about this occurrence, where the students have been sent away. Assuming that this may continue—and I hope that it does not—it is my sincere belief that the children will continue at Edmonton; but assuming that it does not work out, I would suggest that the next best thing would be for these children to go a high school at a place like Fort Vermilion, where there is a meeting of the white culture and the Indian culture.

Mr. DAVEY: It is possible that is the correct or the better method. I have had representations about the situation at Fort Vermilion from the Roman Catholic bishop in that particular area, who has been very concerned about the situation. In a recent conversation with him he told me that the reports he had received were conflicting. I gave him assurance several weeks ago that I personally would go out to have a look at the situation, and that I would be in touch with him when I was in that particular area.

Mr. BALDWIN: I am happy to hear that, because I think it shows an indication of great willingness on the part of the department to meet these separate situations as they arise. May I follow it up with another question: if in your investigation in the course of the next year, or two years, it should develop that the educational advancement of these children would be better served by allowing them to go to school in Fort Vermillion, would you be prepared to recommend it?

Mr. DAVEY: If I were convinced that this was a desirable course, I would so recommend.

Mr. BALDWIN: Along that line, we come to the situation in regard to children going to higher grades where a considerable measure of homework is involved if they are going to keep up in their grades. They have to do homework. I suppose it is desirable that they be placed in a home, in their own home or in someone else's home, or in a place where they may pursue the necessary amount of homework if they are going to keep up with their school work.

Mr. DAVEY: That is quite correct. I am thinking of one particular place which is not related in any respect to Fort Vermilion. The children there were having difficulty in school, and it was an integrated situation. Upon investigation it was found that the attendance problem arose from the fact that the children were not doing their homework. As a consequence they were rather reluctant to go to school.

Mr. BALDWIN: That is very natural.

Mr. DAVEY: And as a result of a discussion with the parents in this particular band, a system was worked out whereby provision was made for the homework to be done. This was possible in this particular situation, but I can foresee a problem in a different location where it could not be solved in the way it was at this particular point.

Mr. BALDWIN: Going back to generalities again, have you any statistical information as to the results of examinations in 1960? For instance, what is the measure of progress made by students going to non-Indian schools and those going to Indian schools?

Mr. DAVEY: I cannot answer that question quite in the way in which it was addressed to me, but I think the figures with respect to enrollment in non-Indian schools, as compared with the figures of enrollment in high schools, in Indian schools, perhaps shed some light on your question. In 1958 the number of Indian children in high school in Indian schools, was 686; in 1959 the enrollment was 669; in 1960 the enrollment was 592 and in 1961 the enrollment was 664. In other words, the number of pupils in Indian high schools remained almost constant—686 in 1958 and 664 in 1961.

In the non-Indian schools the enrollment in the high school grades—this is nine to twelve only—in 1958 was 1,274; in 1959 it was 1,457; in 1960 it was 1,672; and in 1961 it was 1,999, just one short of 2,000. The increase in the four year period has been roughly 725.

Mr. BALDWIN: Without going into statistics, would you say that in passing grades the students are more successful in the Indian schools than they are in the non-Indian schools?

Mr. DAVEY: Once again it is difficult to answer the question because most of the examinations set in the Indian schools, as in the non-Indian schools, are set by the individual teachers. I think a better criteria would be what happens to these people when they leave school, and I very much regret I have not figures or anything that would give a conclusive answer to the question. I am convinced that we in the education division require more attention to research on this type of problem.

Mr. BALDWIN: In other words, you mean to show what happens to the students after they leave high school?

Mr. DAVEY: Right.

Miss LaMARSH: Have you any figures for those participating in university education?

Mr. DAVEY: Yes. In 1958, and these include the number enrolled in grade 13, which is accepted in the provinces as being the equivalent of first year university—but I understand next year this will not be the case in connection with Carleton university—there were 37 at universities. In 1959 there were 44; in 1960 there were 58 and in 1961 there were 82. There has been an increase in the last four years from 37 to 82.

Miss LaMARSH: If I may pursue this line of questioning, I have read some papers put out by the Indian affairs branch in the United States. They seem to indicate that in the last ten years there has been a sudden change among Indians, showing an urge for advanced education. Would you agree it is the same in Canada?

Mr. DAVEY: Yes, I agree. The Indian parents are showing an increased desire for more education.

Miss LaMARSH: And this desire is the reason why you have more people, not that there is a greater development program?

Mr. DAVEY: I think the two things have to go hand in hand.

Miss LaMARSH: I think the figures issued in the United States show that in 1950 there were only 200 Indians at college but in 1959 there were more than 4,300. That is quite a jump, and we have only shown from 39 to 50.

Mr. DAVEY: Eighty-two.

M. STEFANSON: In only four years.

Miss LaMARSH: Are they able to get special grants from the branch?

Mr. DAVEY: Yes. No Indian is denied an opportunity for a higher education simply because of lack of funds.

Mr. CHARLTON: I just want to ask Mr. Davey one question. Does the branch run or operate any high schools on reserves?

Mr. DAVEY: Yes, Mr. Chairman. We do run a high school, a limited high school, not a full high school program, in several Indian day schools. There are also, if my memory serves me correctly, four in residential schools.

Mr. CHARLTON: Run by your department?

Mr. DAVEY: In the case of the residential schools, these are operated on behalf of the department by a religious denomination. However, in the case of the day schools, the schools are operated directly by the department.

Mr. CHARLTON: Up to what grade do you teach in the day schools?

Mr. DAVEY: The highest grade is grade ten, and this is in Lake Wikwimkong, on Manitoulin Island. We also have a junior high school program on the Fisher river agency in Manitoba.

Mr. BALDWIN: Have you ever done anything in connection with sending Indian children to provincial agricultural schools where they can combine the acquisition of academic training with their agricultural schooling?

Mr. DAVEY: Yes, Mr. Chairman, we have. I believe this year, if my memory serves me correctly, one student is taking agriculture. We have also attempted to encourage an interest in agriculture. We have offered scholarships for agricultural programs, not necessarily at the university level, but why we have not had a better response to this I cannot tell you.

Mr. BALDWIN: I asked that question because I remember three years ago a group of Eskimos came down from the north and took a short course of three weeks at Fairview and Olds in Alberta.

Mr. DAVEY: Indeed we had a course at Olds which was operated on our behalf by the provincial authorities.

Mr. BALDWIN: Was it successful?

Miss LaMARSH: Mr. Chairman, we are pretty short of a quorum at the moment. Are we going to continue, or shall we try to round up some of the other members?

The JOINT CHAIRMAN (*Mr. Grenier*): At the moment we are one short of a quorum.

Miss LaMARSH: We have no senator at all.

Mr. MARTEL: There is one senator here.

Miss LaMARSH: I am sorry, I did not see Senator MacDonald.

Senator MacDonald: You were not looking around.

The JOINT CHAIRMAN (*Mr. Grenier*): We are short of a quorum. Maybe we should send a message to get more members. We shall recess for five minutes.

The JOINT CHAIRMAN (*Mr. Grenier*): Five minutes have gone by so I think we should adjourn to next Tuesday at 9.30 a.m.

Miss LaMARSH: How many more officials are to be heard?

The JOINT CHAIRMAN (*Mr. Grenier*): There are two from the Indian affairs department.

Miss LaMARSH: And that is all?

The JOINT CHAIRMAN (*Mr. Grenier*): Then there is health and welfare—the minister and Doctor Moore.

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Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14

TUESDAY, MAY 23, 1961

WITNESSES:

From the Indian Affairs Branch: Messrs. R. F. Davey, Chief, Education Division; L. H. Wickwire, Chief, Engineering and Construction Division; L. L. Brown, Special Assistant to the Director; and Mr. H. M. Jones, Director.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE

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Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Mr. J. N. Ormiston,
Mr. F. J. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>)	Mr. J. Wratten—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, May 23, 1961.

(25)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day.

Present:

The Senate: Honourable Senators Inman, MacDonald, Smith (*Kamloops*)—(3).

The House of Commons: Messrs. Badanai, Charlton, Gundlock, Henderson, Howard, Korchinski, Martel—(7).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; R. F. Davey, Chief, Education Division; P. Deziel, Assistant Chief; L. H. Wickwire, Chief, Engineering and Construction Division; G. Bowen, Supervising Engineer; J. W. Francis, Supervising Architect; J. V. Reynolds, Roads Engineer; C. J. Crapper, Water and Sewer Engineer; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Elective Assistant to the Director.

The Committee was informed that the Joint Chairman were unavoidably absent.

On motion of Mr. Korchinski, seconded by Mr. Henderson,

Resolved—That Mr. Gundlock do take the Chair of this Committee as Acting Joint Chairman for today's sittings.

Mr. Gundlock took the Chair and then called Mr. Davey, Chief of the Education Division, who supplied answers to questions raised by Miss LaMarsh on May 18th.

The Committee resumed the consideration of the brief presented by Mr. Davey on May 18; he was further questioned thereon and then permitted to retire.

Mr. Wickwire was called and he read a brief dealing with the work of the Engineering and Construction Division and was questioned thereon, assisted by Mr. Jones. Mr. Wickwire also referred to sets of plans of Indian schools and Indian home designs which were directed to the attention of the Committee.

The questioning of Mr. Wickwire being continued, at 11.00 a.m., the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING

(26)

The Committee resumed at 2.30 p.m., the Acting Joint Chairman, Mr. Gundlock, presided.

Present:

The Senate: Honourable Senators MacDonald, Smith (*Kamloops*)—(2).

The House of Commons: Miss LaMarsh, and Messrs. Baldwin, Charlton, Fane, Gundlock, Howard, Korchinski, Stefanson, Thomas—(9).

In attendance: Same as at morning sitting with the exception of Messrs. Davey and Deziel.

The Committee resumed the consideration of the brief presented at the morning sitting by Mr. Wickwire dealing with the work of the Engineering and Construction Division.

Mr. Wickwire was further questioned, assisted by Mr. Jones, and then was permitted to retire.

Mr. Brown was called and he read a brief in connection with the enfranchisement of Indians, and was questioned thereon.

The questioning of Mr. Brown being continued, at 4.30 p.m. the Committee adjourned until 2.30 p.m. Wednesday, May 24th.

M. Slack,
Clerk of the Committee

EVIDENCE

TUESDAY, May 23, 1961.

The CLERK OF THE COMMITTEE: Ladies and gentlemen, in the absence of the joint chairmen, can I have a motion for an acting joint chairman for today's sittings?

Mr. KORCHINSKI: May I move that Mr. Gundlock be made acting joint chairman?

Mr. HENDERSON: I will second it.

The CLERK OF THE COMMITTEE: It has been moved by Mr. Korchinski, seconded by Mr. Henderson, that Mr. Gundlock be acting joint chairman for today's sittings.

Agreed?

Agreed to.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Ladies and gentlemen, when we adjourned on Thursday, Mr. Davey had read the brief and we were just starting the questioning. I will call on Mr. Davey and go on with the questioning on page one.

R. F. DAVEY (*Chief of Education Division, Indian Affairs Branch*): Mr. Chairman, with your permission, I would like to answer two questions which were addressed by Miss LaMarsh on Thursday afternoon.

In the first question she asked for information regarding the number of women as opposed to the number of men teaching in our schools.

The number of male teachers on our staff is 428, comprising 31.6% of the teaching staff and the number of women is 926, comprising 68.4%.

Miss LaMarsh also asked how does the 11.1% of the non-trained teachers compare with provincial averages with respect to non-qualified teachers. The figure of 11.1% in our schools is for the current academic year. The information with respect to rural provincial teachers, at the elementary school level, is not available for the current year, and the figures which I shall give for the provincial schools are for the last school year and are the latest available.

In the Provincial systems teachers with one year of teacher training and at least Senior Matriculation, which most Provinces consider the minimum requirements, number 17,274 or 63.7% of the staff. In Indian schools, teachers with similar qualifications total 906 or 66.9%. Those teachers in the provincial rural systems with Junior Matriculation and some teacher training total 8,177 or 30.2% of the staff. In Indian schools, teachers with similar qualifications number 298 or 22% of the staff. In the provincial rural schools 1,659 have no teacher training or 6.1% of the staff. In the Indian schools, 150 teachers have no professional training or 11.1%.

I might point out that the figures for the provincial schools designated as rural refer to schools in communities with populations under 1,000 and that the information with respect to the provincial systems is available from the Dominion Bureau of Statistics.

Mr. BADANAI: Mr. Chairman, could I ask a question here? At the bottom of page two of your statement—

The ACTING CHAIRMAN (*Mr. Gundlock*): Mr. Badanai, are we all through with page one? Are there any questions on page one?

Mr. BADANAI: There is a statement here where it is reported that 2,663 are enrolled in high school. I wonder whether the department has the figures on the estimated number of students who are attending university, or going on for higher education after leaving high school? Have you any record of the number of young Indians going to university?

Mr. DAVEY: Yes, Mr. Chairman, the number enrolled at university this year is 82.

Mr. KORCHINSKI: Is there any special incentive given for these students to go to university? It seems to me, or at least my experience would lead me to believe that there is a hesitancy on the part of some of these students to attend university because they think they are going to have difficulty, and they are not too sure of themselves. I wonder if there is some special drive with the idea in mind that we will help them along and encourage them. Is there any special effort, outside of the normal effort, to help them?

Mr. DAVEY: Mr. Chairman, there are three ways in which we try to encourage Indian students to continue with their educational studies. First, we have an educational assistance program whereby any student who can meet the requirements for admission receives financial help in accordance with the need. We do expect the parents, however, to make as much of a contribution as they can, within their means.

Secondly, we have a scholarship program in which assistance is given without any means test at all, as a reward for scholastic aptitude.

Our third method we have recently established within the last three years educational specialists in four regions. Their purpose is to give counsel and guidance to students at the high school level, and indeed, even at the elementary school level, to encourage those students who show ability to continue with their studies.

Mr. KORCHINSKI: To what extent do you use these guidance counsellors that you speak of? Do they come around once a year, once in three years, or how often do they come around? How would you go about it?

Mr. DAVEY: They work in several ways. First, in the way in which you have indicated, visiting schools in which there is a high school enrolment; secondly, by reviewing the records of the students who are enrolled in high schools and getting in touch with the students, either directly or indirectly through the teachers.

Mr. KORCHINSKY: Can you give us an indication as to whether these students who are presently attending university came primarily from non-Indian schools, or from Indian schools?

Mr. DAVEY: I am not able to answer that question directly, Mr. Chairman, but I would expect that the majority of them come from non-Indian schools, and my reason for thinking that way is because the enrolment of Indian students at the high school level is greater in the non-Indian schools than in the Indian schools. We place emphasis, of course, on trying to get our Indian students into the non-Indian high schools.

Mr. KORCHINSKI: But as a ratio, can you express a comparison there? What I am trying to get at is whether there is a different attitude on the part of the student coming from a non-Indian school, as opposed to the one coming from an Indian school. I was wondering if there was a comparison.

Mr. DAVEY: I am afraid, Mr. Chairman, I cannot answer that question directly. I have not the information here, showing the breakdown of the 82 students at university, as to whether they have come from non-Indian schools or Indian schools. It should not be difficult to find that out.

Mr. KORCHINSKI: Is there any way in which students can be encouraged, if they have special talents, but might not necessarily want to go through university? If they have special talents in a special field, is there some encouragement for this type of student?

Mr. DAVEY: Yes, Mr. Chairman, the same type of assistance is given for training in normal schools, teachers colleges, vocational institutes, and almost any type of course.

Mr. KORCHINSKI: If I thought that I had spotted some student who I thought was gifted in some way, how would I go about, just briefly, getting him into university, or whom would I approach?

Mr. DAVEY: Mr. Chairman, the easiest way to bring this to the attention of the department would be through the regional office in the locality concerned, or the agency superintendent.

Mr. KORCHINSKI: I know of several occasions where people told me, although I am not familiar with the students themselves, that they have great possibilities but nobody seems to know just where to go, or who to go through, et cetera. That is the reason I ask that question.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Mr. Korchinski, would you like that information brought forward? Mr. Davey mentioned that it would not be hard to find that information.

Mr. KORCHINSKI: Yes, I think I would like to have that in the record. I can find it myself, later.

One more thing with reference to the teachers: Are the teachers given special training to deal with, I would almost say peculiar problems—We are sitting here on this committee because we are trying to ascertain what the problems are—are the teachers given any special training before they go into these schools?

Mr. DAVEY: Mr. Chairman, in some cases they are, but not in every case. We do attempt to arrange for meetings with the teachers early in the school year. People from the provincial departments of education, as well as from our own department, address teachers' meetings, conventions and institutes.

Mr. KORCHINSKI: Do you have any difficulty in enrolling teachers for these schools?

Mr. DAVEY: We have about the same difficulty in recruiting teachers for Indian schools as the rural provincial school boards have.

Mr. KORCHINSKI: In other words, there is a similar problem there?

Mr. DAVEY: Yes.

Mr. KORCHINSKI: Could you give us any indication, once having accepted a school of this kind, whether the teacher is inclined to stay with it, or does he want to move on after a couple of years? Do you have any teachers with long records of staying with it?

Mr. DAVEY: Yes, Mr. Chairman. It varies greatly, of course. The annual turnover of teachers in our schools is roughly 25 per cent. This includes those who leave our service—all those who leave our service. However, some stay for many years.

Mr. KORCHINSKI: Do you find that it is more difficult to recruit teachers for outlying districts, that is, farther away from what we might refer to as civilized, settled areas?

Mr. DAVEY: Yes, Mr. Chairman, the more isolated the locality, the more difficult it is to recruit a teacher for that locality.

Mr. KORCHINSKI: You would then have incentive payments, or isolation payments to make?

Mr. DAVEY: Yes, the isolation payments are the same as apply to civil servants going to isolated posts. In fact, we use the isolated post scale.

Senator INMAN: Do you use many Indian teachers, and with what success?

Mr. DAVEY: At the present time we employ 121 teachers of Indian status. There are other teachers in our service of Indian origin, but not having Indian status, and I have not any record of them. Generally speaking, the Indian teachers are just as successful as other teachers.

Mr. KORCHINSKI: Would these teachers have preferences? Would they rather go into areas that are settled, or do they like to go back somewhere and really feel as if they were accomplishing more by going to places where others do not wish to go?

Mr. DAVEY: I would have to make a guess in answering that question, but as far as I can see, the reaction of the Indian teacher is very similar to that of the non-Indian teacher. It may be of interest to note that last year we had 28 teachers of Indian status who should have completed their training in June of last year. Of that 28, four did not complete the training; eight accepted employment with provincial school boards, and 16 accepted employment with us.

Mr. KORCHINSKI: I wonder if you can give us an indication as to what particular types of courses students who are presently attending university are taking?

Mr. DAVEY: The courses are quite varied, and although I have not a complete breakdown, this probably may be helpful to you—

Mr. KORCHINSKI: The majority would do.

Mr. DAVEY: Yes. We have 25 registered in first year university, 19 in second year university, 9 in third year university, and 4 in the fourth year of university. These are unclassified as to the type of course they are taking. In addition, there are 22 taking grade 13, which is normally accepted as the first year of university work. These numbers are unclassified, but I also have—

Mr. KORCHINSKI: Excuse me. In that group you just indicated, would that be the sort of course, for example a B.A., from which they could switch into another field?

Mr. DAVEY: Yes, they are general courses.

Mr. BADANAI: I am interested in the scholarship feature. About a year ago I offered a scholarship to any Indian girl or boy at Fort William who would go on to university. Unfortunately, none took it up, in fact none qualified for the scholarship.

I wonder whether the department has any advice to offer to any individual—I think there would be a number of people interested in making a donation of a couple of hundred dollars to encourage an Indian student to go ahead. Has the department any advice to give on how to administer such a fund? Would the local agent work with, say, the high school principal?

Mr. DAVEY: Yes, Mr. Chairman, that is the usual procedure. Each year we write to our field people and ask them to submit the names of scholarship candidates, and the agency superintendent normally is the one who provides the names and students' records at high schools. He also secures from the principal information about the student's character and general academic standing.

Mr. BADANAI: Another question: Would it not perhaps be easier if the individual wishing to make a donation, say, an annual donation to such a fund, if the department would allow the local agent to assume responsibility for having the fund in trust, so that he could administer it? This would relieve the individual of responsibility for administering his donation.

Mr. DAVEY: Mr. Chairman, we have had, I think, about half a dozen private donors establish scholarship funds. Sometimes the donor prefers to administer it himself, with some assistance from us, by suggesting names. In other cases the donor leaves it up to us to administer the scholarship.

Mr. BADANAI: The department is quite willing to do that?

Mr. DAVEY: Yes, Mr. Chairman.

Mr. BADANAI: Well, I think, Mr. Chairman, that we can secure the help of many people interested in education who would be quite willing to make a contribution so that we could have more of these young Indians taking an interest in higher education, and perhaps eventually being in a position to run their own affairs. I think that would be most desirable.

Mr. KORCHINSKI: I was just wondering whether my answer was completed, with reference to the university students?

Mr. DAVEY: Mr. Chairman, I have records of one student taking law, two taking medicine, and 13 taking teacher training at the university level.

Mr. KORCHINSKI: Have you any indication of the number of students going into normal schools, that is, without taking the university course.

Mr. DAVEY: Thirteen are not taking their training at a university. Our figures are a little confused for this year, because I think two departments of education turned the teacher-training program over to the university, so that if the number of students at university are included, some would be taking teacher-training at the university.

Senator MACDONALD: Mr. Chairman, what is the proportion between the sexes going on for higher education?

Mr. DAVEY: I am not able to answer that question this morning, Mr. Chairman.

Senator MACDONALD: I am interested to know.

Mr. DAVEY: The drop-outs at the high school level are greater among the boys than among the girls. The girls tend to continue their studies, but I do not have the breakdown by sexes of those at the university.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would you like that information included, Senator MacDonald?

Senator MACDONALD: Yes, if it is available.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Any other questions on page two? Page three?

Senator SMITH: On page three, Mr. Chairman, I would like to ask Mr. Davey to clarify some information regarding the adult education classes. It says here that the number of Indian people taking training under the adult education program during the past year was 1,590. Are you referring to the regular classes that are available to non-Indians, as well as Indians? I ask you that because a little farther down you refer to special classes offered at Regina, Prince Albert, Edmonton and Muncey. Are those particularly for Indians, or are they for non-Indians, too?

Mr. DAVEY: The first figure of 1,590 refers to Indians who are attending courses especially for Indians, and there are a variety of courses—literacy, up-grading, some training in home economics, some training in elementary carpentry. A great variety of courses are included in the figure of 1,590. The latter figure of 180 refers only to up-grading courses which are given especially to prepare Indians for going immediately into vocational training courses, or for going directly into employment as a result of improving their standard in language and mathematics.

Mr. BADANAI: These are all post-school age?

Mr. DAVEY: Yes.

Senator SMITH: Are the vocational courses you are encouraging and preparing them for are the standard vocational training courses that are available to all classes, Indians and non-Indians?

Mr. DAVEY: Yes, sir.

Senator SMITH: I would like to say for the information of the committee that I think this is a very valuable part of the educational system, the integration of education, because I have watched a young couple who have been attending night classes at the high school that are available to non-Indians, as well, for two years, now, and this young man has been coming out to local board of trade meetings and taking a real interest in public speaking, and taking part in discussions as a result of his attending these night classes. He appeared here a few months ago before this committee as one of the delegates from our part of the country. I am wondering if your program is sufficiently well planned to channel them into that standard course where they are mixing with non-Indians in the adult classes?

Mr. DAVEY: This is certainly the objective. We do not feel that the numbers which we are presently reaching are adequate. We should expand this program.

Senator SMITH: I think so, too.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are there any other questions or comments on page three? Then, we will turn to page four. Any questions or remarks on page four?

Mr. BADANAI: The remainder of the brief on page four, dealing with education—I just want to ask Mr. Davey another question, and that is whether or not the department would undertake to go out and solicit scholarships from among firms? Now, I am sure, in our own district, for example, there are several firms who, if they were asked, would contribute to and would set up scholarships for Indians, but it requires someone to go out and do some work. I think this is a very important feature of education. Perhaps the agent could do the soliciting, the canvassing among business people in a community anywhere near a reserve. I think this is a very worthwhile project, and I commend it to the department, to do something more progressive about it, and not passively as has been the case so far, in my opinion—to go out and do a little selling job among our business institutions.

Mr. CHARLTON: I would like to ask Mr. Davey how many scholarships which were available this year were not taken up?

Mr. DAVEY: Mr. Chairman, there were 40 scholarships available from the department. Of that number, 18 were taken up.

Mr. CHARLTON: And about 22 were not?

Mr. DAVEY: That is correct. I am not able to answer the question with regard to scholarships available from private donors.

Mr. KORCHINSKI: I was just going to ask that question. Has there ever been a situation arise when all the scholarships were taken up?

Mr. DAVEY: No, Mr. Chairman, we have never had that situation.

Senator SMITH: Is there an improving trend? 18 out of 40 does not seem very encouraging, but is that an improvement over the past, and can you expect further improvement?

Mr. DAVEY: The scholarship system was inaugurated in 1957 and at that time there was 34 scholarships available. Of those 34, only 13 were taken up. There has been a slight improvement. I would like to emphasize that the scholarship is a reward for scholastic achievement, and we do not believe that we should cheapen these scholarships by lowering the standards simply to issue

them in greater number, because any student who can meet the entrance requirements can get direct assistance from the department in accordance with his need. The purpose of the scholarship, then, is simply to try to emphasize to the Indian the importance of scholastic achievement.

Mr. KORCHINSKI: Is this assistance that is available a sort of loan, or an outright grant?

Mr. DAVEY: It is an outright grant.

Mr. CHARLTON: I wonder, Mr. Chairman, if it is not more or less implied that there are not enough students with sufficient scholastic ability to warrant giving out scholarships?

Mr. DAVEY: I do not think it is a question of lack of potential, but they have not been developed, and they have not shown it. The fact that there are only 80 students at the university level means that in so far as university scholarships are concerned, the field from which we are making our selection is a very limited one.

Mr. CHARLTON: There are also teachers' and nurses' scholarships, are there not?

Mr. DAVEY: Yes, sir, and also scholarships for vocational training.

Mr. CHARLTON: Are the nurses' scholarships all taken up, or the teachers'?

Mr. DAVEY: I do not think we have ever had a case where every category has been taken up, or any category has been entirely taken up, I should say.

Mr. KORCHINSKI: Which particular category do they usually take up on the scholarships in university?

Mr. DAVEY: Usually the academic program at the university level.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions or comments on the brief by Mr. Davey?

If not, then, ladies and gentlemen, we will call on Mr. Wickwire, Chief, Engineering and Construction Division, who has some plans to show the committee, and may be questioned during the presentation of the various plans.

Mr. Wickwire, do you have a brief?

Mr. L. H. WICKWIRE (*Chief, Engineering and Construction Division, Indian Affairs Branch*): I have a short brief.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would you care to read it to the committee, please?

Mr. WICKWIRE: This brief is submitted by the engineering and construction division of the Indian affairs branch:

The brochure "A Review of Activities of the Indian Affairs Branch 1948-58" which has already been made available to the committee, gives a brief outline of the functions of the engineering and construction division since it was formed in 1950. Some additional details and comments may be of interest at this time.

The total staff establishment includes fifty-four positions and is made up of engineers, architects and technical officers expert in various categories, as well as the usual stenographic and clerical assistants required to service such an organization. The staff is distributed as follows:—

Branch Headquarters	24
British Columbia and Yukon Region	13
Prairie Provinces	12
Northern Ontario Region	2
Southern Ontario Region	1
Quebec Region	1
Maritimes Region	1
Total	54

Although the Department of Public Works now have assumed responsibility for the design and construction of all our larger day and residential schools, this Division still handles a considerable number of standard prefabricated or precut buildings of various types. In certain areas this type of construction has been found satisfactory and less costly.

Now that the Department of Public Works is assisting on the larger projects, it is possible for us to direct more attention towards developing new and better types of Indian housing, the design of community halls, the maintenance and repair of existing buildings and services, road and bridge construction, the initiation of winter works projects to relieve unemployment as well as the planning of village utilities to provide water and electrical power so necessary for community development.

As greater emphasis is placed on community planning, it is in this field that we would likely be required to play an increasing role. This may mean obtaining the services of professional personnel with special knowledge of community planning as well as the utilization of aerial photography to gather site topography and information relative to existing developments.

It will be appreciated that as the Indian population is spread over a very wide area, the provision of an adequate engineering service is not an easy one.

Maintenance and repair of existing buildings is often complicated due to the fact that detailed plans are not always available as inadequate records were maintained previous to 1950. This problem is being solved gradually.

The maintenance of the more intricate mechanical equipment required to provide modern amenities in isolated areas is an increasing problem. It is anticipated that more extensive use of skilled maintenance craftsmen will become necessary where local tradesmen are not available for service.

The rapid growth of the Indian population requires that school designs lend themselves to easy and economic expansion. Considerable study has been given recently to the development of new standard unit type designs suitable for complete factory prefabrication or, as an alternative, the use of precut building materials which can be erected quickly on reaching the site, thus reducing the overall cost. Preliminary plans following this design concept has been produced for a large number of variable conditions.

Research is continuing in an effort to develop a considerable number of plan types for Indian homes which will not only realize the most value for the money expended, but which will be acceptable to the users and meet their special requirements. Considerable progress in this direction has already been made and a number of new designs are available.

From the information already presented, it will be observed that there has been a general increase in expenditures on construction. This can be attributed to:

- (a) A greater volume of construction in all categories.
- (b) During the last ten years, building construction costs have increased by approximately 50%.
- (c) A more acceptable type of accommodation is being provided particularly for schools and teachers' residences. It has been found that better trained teachers demand modern conveniences even in remote areas. This then involves the development and maintenance of utility services such as electricity, water supply, sewage disposal, etc.
- (d) Expansion of our activities into the more isolated regions where the cost of construction often doubles or even triples. For example, a simple residence which can be built for say \$10,000.00 in a well developed community may cost up to \$25,000.00 in a remote section of Canada serviced only by air or tractor train freight.
- (e) Greater emphasis on modernization of existing facilities.

It has been found that the real nature and understanding of the building requirements of the Indian Affairs Branch is not always fully comprehended when designs are produced entirely by outside agencies. In the matter of design and control of costs, it is important that there be close liaison with the branch engineering and construction service in order that the experience and knowledge which have been developed may be used to the greatest advantage.

That is the end of the formal brief.

Mr. HOWARD: Mr. Chairman, I wonder if I could ask a question of Mr. Wickwire with respect to the reference on page one to the Department of Public Works now having assumed responsibility for design and construction of the larger schools. When did this take place?

Mr. WICKWIRE: Approximately three years ago.

Mr. HOWARD: Prior to that time the public works department was not involved, I take it?

Mr. WICKWIRE: Prior to that time, our engineering and construction division, with a limited amount of assistance from outside consulting architects, carried out all the designs for every type of day and residential school. It worked out that we were spending 80 to 90 per cent of our time on school design work, and we were not able to give proper attention to welfare housing, water and sewage works, and all the other phases of our work in which we should be assisting other divisions of the branch.

Mr. HOWARD: I take it, this makes it more efficient from the standpoint of housing and of schoolbuilding, does it?

Mr. WICKWIRE: Regarding the Department of Public Works, I am talking about the large day and residential schools and possibly auxiliary residences which might be required in connection with that type of development.

Mr. HOWARD: But this arrangement with the public works department about dealing with the larger schools, both day and residential, and perhaps the auxiliary buildings, does this make for more efficiency with regard to the design of schools from their viewpoint, and the design and building of houses from your viewpoint?

Mr. WICKWIRE: I do not think that their designs are any more up to date than ours, if that is what you infer.

Mr. HOWARD: No. In fact, I would be a bit skeptical in that field, myself. It seems the Department of Public Works would not normally be involved in this type of work, as differentiated from harbours, bridges, dredging, and that sort of thing. I should think it would be less efficient myself.

Mr. WICKWIRE: They have their building construction branch, which is well staffed with architects and planners, and if they are well briefed by consultants from our division and our engineering and construction services, there is no reason why they cannot turn out a very efficient design. As far as the public works department handling our larger jobs, we welcome that, because it allows us, without increasing our staff, to spend more time on what we should really be doing—that is, servicing the other divisions in all these special things which are so necessary in the development program.

Mr. HOWARD: That is what I was getting at. It is the division between your branch and the Department of Public Works which means that each of you can now better deal with other jobs?

Mr. WICKWIRE: Definitely.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Mr. Wickwire, you were cut off very abruptly, there. Did you have any general remarks to add to your brief?

Mr. WICKWIRE: I did not anticipate any, Mr. Chairman.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): That is fine, then.

Mr. WICKWIRE: I thought I would just try to answer the questions to the best of my ability.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): They came so fast, I thought you might have had a few general remarks to make.

Mr. WICKWIRE: I did wish to ask your permission to distribute some typical plan, but I see it has been done. We have done a lot of work in research, in connection with the housing program, and also school design, in what we call the unit type of design. I think that once the standard plans are acceptable, these can be applied very quickly to a large number of sites, and that is a particular field where we feel we can handle the work up to a certain dollar value, without outside assistance.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Mr. Howard, did you have any further questions?

Mr. HOWARD: Not on page one, except that I notice you say the Department of Public Works is assisting in the larger projects. Do you still retain control, as it were, of these schools?

Mr. WICKWIRE: It has more or less been decided at high-level meetings, with the concurrence of the Treasury Board, that we will handle projects up to approximately a \$100,000 level, if we have the staff to do it. If we are occupied on other projects, then we will automatically decide which projects will be taken over by the Department of Public Works, even though they are below the dollar value of \$100,000.

Mr. HOWARD: Well, if they are over the \$100,000 value, what occurs then? What is your role?

Mr. WICKWIRE: Assisting the Department of Public Works with what plans are available, the work may include an extension to a building, briefing them on what facilities are available in the way of water, sewage disposal, septic tanks, and things of that type, which we know from the records in our files. We are in a better position than anybody else to know exactly what is available.

Mr. KORCHINSKI: I have a question with regard to that: You say the Department of Public Works takes over the construction of these residential and larger schools. Are you still responsible, for instance, for sewage and water, in bringing it to the schools, or is this up to the Department of Public Works?

Mr. WICKWIRE: Occasionally we get involved in that, probably negotiations with the town to extend their water main out to the site. We usually carry out that part of the negotiations. Either we do it directly with the assistance of some other division—there are different cases where the sewage and water lines should be extended from the town service out to, say, a residential school site. I have one particular point in mind, and we are carrying out the negotiations in connection with that.

Mr. KORCHINSKI: But there is no such larger residential school, or larger day school in which both the Department of Public Works and your department are working, say, hand-in-hand on a construction of that type? There is no such case?

Mr. WICKWIRE: I have one in mind at the moment, where we are designing a sewage lagoon that is going to take the discharge from the existing building, while the Department of Public Works are building an adjacent school. They are bringing the sewage to a manhole, and we are going to build the lagoon.

Mr. KORCHINSKI: It is a separate contract?

Mr. WICKWIRE: It would be a separate contract.

Mr. KORCHINSKI: You said that in certain areas the construction of prefabricated and pre-cut buildings is advisable, and even more satisfactory. Would you give us an indication as to why it would be so, in certain areas? Would it be the location of these areas?

Mr. WICKWIRE: I have in mind at the moment, in answering your question, an area in northern Manitoba where the material has to be taken in by tractor train freight. By getting the material completely prefabricated and parceled and delivered to the site, the erection time will be greatly lessened. We are setting up the concrete pad foundation, and we expect that the whole building will be put up in less than a week. The cost of the material in the first place was reasonable and by using the prefabricated design for that isolated area, we were satisfied that the total cost would be much less than standard wood-frame construction.

Mr. KORCHINSKI: When you do prefabricated or pre-cut structures, is there one central place where you do this, or are there different areas? For instance, northern Manitoba might be serviced out of one area, and northern Ontario out of another area. Is there a central location, or are you trying to get it as close as possible to its final destination?

Mr. WICKWIRE: The completely prefabricated units I spoke of are actually done in a factory in Toronto, and they are going to northern Manitoba. There are a number of prefabricating firms in western Canada that I do not call a complete prefabrication; it is more of a pre-cut deal. The joists are cut a certain length; the studs are cut a certain length; the windows are prefabricated units; the roof trusses are prefabricated, and the doors are complete with frames ready to install. It is more or less what I call a pre-cut, or I think the term the manufacturer uses is a "package deal". You buy that completely ready to go to a site, with all the pieces necessary to build, say, a school or a residence. In western Canada there are a number of firms that will compete on that basis.

Mr. KORCHINSKI: But in Ontario, is there only the one that you referred to, that prefabricates homes?

Mr. WICKWIRE: There are two that I know in Toronto, one in Montreal, and I believe one in British Columbia.

Mr. KORCHINSKI: Can you give any indication as to how many of these completely prefabricated homes you have used?

Mr. WICKWIRE: The prefabricated units that I speak of were schools actually completely prefabricated—panels made up into plywood, ready to erect, to construct a school and with cam type locking devices to join the panels together. Now, as far as the pre-cut, or what you might call semi-prefabricated units are concerned, many houses and schools as well, are constructed. We have built a large number on that basis—purchased the material and took it to the site, and got a contractor to erect it.

Mr. KORCHINSKI: These are largely one-unit schools—one classroom?

Mr. WICKWIRE: One and two.

Mr. KORCHINSKI: Can these prefabricated homes or schools be reassembled if they have to be taken down, and moved to a new location, if it is found advisable?

Mr. WICKWIRE: The completely prefabricated schools, the three that we took into northern Manitoba, are completely de-mountable and completely salvageable. That was one of the big reasons that we went into that type of construction, because with a nomadic type of Indian population, it is quite important that you be able to disassemble and lose as little of the original material as possible.

Mr. KORCHINSKI: I don't know if you answered this question before: How many of these prefabricated homes or schools have you?

Mr. WICKWIRE: Actually, Mr. Chairman, we only have three of the completely prefabricated structures.

Mr. KORCHINSKI: Only three?

Mr. WICKWIRE: Yes, those that we took in last year. It is a new development, as far as we are concerned, using these completely prefabricated types of structure. However, when you go to the pre-cut and semi-prefabricated construction, we have built many of them. I can not give you the exact number.

Mr. KORCHINSKI: Since when have you started buying these completely prefabricated structures? When did you first go into buying the prefabricated schools?

Mr. WICKWIRE: Last winter was the first time that we used this particular completely prefabricated type of construction with panels, all prefabricated, and crated for taking into the site. The panels locked together with a cam type device, and you can use a key to unlock the panels, take them away and set them up some place else.

Mr. KORCHINSKI: What determines whether you put up a prefabricated or pre-cut home, or build one on the site? What considerations enter into such cases?

Mr. WICKWIRE: There are many different building conditions. If it is a northern area, it might happen that we have a sawmill there and we can get our dimensioned lumber from the sawmill. If that is the case, we certainly would not go into prefabricated construction. We would possibly buy the material, take it to the site by tractor train, use the local sawmill lumber for the 2 x 4's and the joists and certain other material to go into the structure. We would attempt to get a firm price for the electrical, plumbing and heating facilities, and that would be the arrangement. A construction supervisor would visit the site, or the superintendent. Preferably, Indian labour would be engaged, to a large extent in the erection.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Any other questions on page one?

Senator SMITH: Before leaving page one, referring to the last paragraph with reference to community planning, and the comment: "That would mean obtaining the services of professional personnel," there has been a recent and rapid development within the Central Mortgage and Housing organization in connection with this same, or similar, type of work. Is there any degree of co-operation with them, using the facilities and organization that they have built up within the last two or three years, or are you in competition with them for the professional personnel and the specialists used in that type of service?

Mr. WICKWIRE: The Central Mortgage and Housing Corporation have appointed a large staff of community architects with town-planning experience. They have increased their staff recently, I believe, and not too long ago—possibly 18 months or two years ago—we discussed this whole matter of community planning with the Central Mortgage and Housing Corporation, the chief of that crown company, and he advised the department, I believe, that it would be better, in connection with community planning, for us to have our own unit, rather than depend on their staff. If we had a large development, they would be very pleased to take it on as a sort of pilot project. But many of our community planning schemes are relatively small, and it would be hardly worthwhile for them to tackle it. We would have to compensate them for time, labour, and expenses, and their advice to the department was that we should not depend on them for such services.

Senator SMITH: Then, just another matter: In connection with major community projects that have been handled to a great extent, or probably almost entirely, by the staff of Central Mortgage and Housing, such as Frobisher and the community at the mouth of the Mackenzie, for example, the Department of Indian Affairs is interested in such communities. There are problems in connection with your work that are integrated in those major community projects up there, are there not?

Mr. WICKWIRE: You are thinking of Inuvik, possibly. Certainly Central Housing and Mortgage had a large hand in the development of that site, I believe, and that was a size of project that they could really give proper attention to. I believe, as far as the Frobisher development was concerned, it was too large or too specialized in nature for the Central Housing and Mortgage corporation to handle. Did they not set up the Frobisher Bay consultants to work with the Northern Affairs Department in order to develop the plans we call the Frobisher development?

Senator SMITH: That may be, but I am not particularly interested in that. What I have in mind is that you drew attention, earlier in your brief, to the fact that there are special problems that call for specialists who are acquainted with the needs in your particular field that are different from other fields. I am wondering if there was—there must have been schools in connection with some of those major northern projects that would be servicing the Indian and Eskimo population almost entirely. Did your department play a part in those? Were you consulted, and did you contribute the services of specialists of your department in connection with any part of those major developments in the north, or were they handled entirely by the Central Mortgage and Housing, or Department of Public Works?

Mr. WICKWIRE: Mr. Chairman, as far as I know, we were not called in, nor were we interested in any projects in the Northwest Territories. The schools there now come under the Department of Northern Affairs. In fact, anything north of the 55th parallel, any construction is reported to the advisory committee of northern development, and a working group of that main committee sits down and allocates to different departments the responsibility for construction in certain areas. It may be the Department of Public Works, the Department of Transport, or the Department of Northern Affairs, and as far as Indian housing is concerned, they are always referred to our department because we like to construct them on a material and day labour basis in order to give the maximum employment benefit to the Indians. When you talk about the 55th parallel, that is getting down into northern Alberta. It is not just the Northwest Territories.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Any further questions on page one?

Mr. WICKWIRE: In connection with that, I might add further that the Department of Public Works is broken down into their northern construction division, which is a little different setup in the Building Construction Branch of the Department of Public Works.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Page two?

Mr. HOWARD: I wonder if Mr. Wickwire could give some indication, or have the information available, about the backlog, if any, of schools, or school classrooms that are required?

Mr. WICKWIRE: Mr. Chairman, I think that could be answered by the education division—the backlog of construction.

H. M. JONES (*Director of Indian Affairs*): We can furnish that information, Mr. Howard. We probably have it available.

Mr. HOWARD: I thought this might be the convenient place for that information.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would you like that placed on the record, Mr. Howard?

Mr. HOWARD: Yes, I think it would be worth while, and perhaps related to that, we could have the 20 per cent increase Mr. Davey referred to in integrated schools agreements, what it looks like so far as the future is concerned. Will we be needing more Indian residential and day schools, in view of the increase in agreements with other bodies under provincial jurisdiction, in education, whether your education division is going to go out of business, or what. This information, I think, would be of some value to the committee.

Mr. JONES: I think, Mr. Chairman, it was placed on record the other day that there are roughly 2,000 Indian children for which the branch at present have no school facilities available. They are mainly in the north, so there will be a task to provide some sort of educational facilities for them.

Then we have some day schools built many years ago that will need to be replaced when we can get around to doing it. So, in a general way, I would say it is going to take some time to overcome the backlog of construction necessary, but with the move into joint education, or integrated education, that will help the problem somewhat. But it will be some years yet, Mr. Chairman, before we can sit back and say there is a desk for every Indian child.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): One more short question, before we adjourn.

Mr. KORCHINSKI: I have two short questions. These prefabricated homes, do you design them and then ask this firm to build them, or are they designed, and then you approve these homes, or purchase them because they suit your needs?

Mr. WICKWIRE: Mr. Chairman, if you are thinking about western Canada, there are a number of concerns in that area which have standard plans. Taking a three bedroom residence for example, 960 square feet gross area—and I can name possibly five firms that have the same plan with only very minor variations—if we were to examine numerous different proposals, from these pre-cut or package dealers, I could say that all were comparable to each other. That would be the criterion I would use, in selecting.

Now, if you use your own plan, rather than the dealers' plan for the odd residence, you do not obtain the advantage in price gained by using the standard plan that the prefabricated dealer has developed and can put through his shop quickly. When you make your own plan, you do not go to a prefabricator unless you have some volume, otherwise you would be asking for a custom deal done by a prefabricator. That is my view.

Mr. KORCHINSKI: The other question is this: In designing the school room, what is the maximum number of students you would allow in one classroom?

Mr. WICKWIRE: Our standard classrooms are 24 x 32. It is the standardized class. That would accommodate, without gross overcrowding, probably forty pupils, but the education division would like to think that it would not be necessary to have more than thirty in such a classroom.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Senator Inman, and gentlemen, we will adjourn now and come back at 2.30 to this same room. You can leave these plans, and they will be brought back at 2.30, and then we will go on with Mr. Brown, the special assistant, in regard to enfranchisement, and then later deal with the British Columbia land question.

AFTERNOON SESSION

TUESDAY, May 23, 1961.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Ladies and gentlemen, I see a quorum and the meeting will come to order. This morning we were considering the engineering and construction division of the Indian affairs branch, and Mr. Wickwire was the witness. We had proceeded with our questioning to page two and, in deference to the members who were not here this morning, after continuing through the brief there will be a general discussion. At the moment I wish to enquire if there are any further questions on page two?

Mr. WICKWIRE: If I may have your permission, Mr. Chairman, this morning I may not have brought up that our engineering and construction service acts in an advisory and consultant capacity to the other divisions of the branch. We do not administer any vote. All our work projects come from the other operating divisions, like the agency division, the education division, and the reserve and trusts division. As a result, there is a large variety of work which is of an engineering nature rather than being purely architectural.

The plans you have in front of you are of architectural designs, indicating research projects we have carried out and developments of that kind but, if you examine our works program for all the divisions you would find about 250 projects, and possibly 80 per cent of them would be of an engineering character heating improvements, road construction, sewage disposal, installation of fire escapes, addition of toilet accommodation to schools, flood lighting, renewal of roofs, installation of brick veneer, water supply office extensions, domestic water supplies and projects of that nature. I wanted to bring that out so that you will not get the idea we are doing only complete construction of new buildings.

Senator SMITH (Kamloops): That brings to mind something which was drawn to my attention at noon in looking over these plans. I could not help but wonder how the motel unit got into your program. What part does it play?

Mr. WICKWIRE: That is actually the smallest unit that would be satisfactory for a welfare home for an aged couple without any children, and also has application for teachers accommodation at a school. We have had some demand for that. It is the minimum size and I think it only has an area of about 325 square feet, or something of that nature.

Senator MACDONALD: I should like to ask the witness, are there many of these across Canada?

Mr. WICKWIRE: Of the motel type unit?

Senator MACDONALD: Yes.

Mr. WICKWIRE: We have had some demand for it. So far as the welfare house is concerned, it is a fairly new development and has not been used to any large extent, but we expect it will be suited to certain particular cases. We have also had requests for it at schools where there might be a single teacher. In such a case that type of accommodation is satisfactory. It is less expensive than providing a large residence.

That particular type of unit or welfare home would run at about \$5 per square foot for material and possibly \$2 per square foot for erection. That would give you an idea of the cost, without electric wiring and full plumbing. If it were being used for a teacher's residence of course all those facilities would be provided.

Mr. KORCHINSKI: When were these plans originally drawn up? Are they old plans or are they constantly changing plans?

Mr. WICKWIRE: Mr. Chairman, the plans you see for the schools are the result of fairly recent research into what we call unit type construction.

Mr. KORCHINSKI: How recent?

Mr. WICKWIRE: So recent that none of them have been built, none of them in that particular folder at which you are looking.

Mr. KORCHINSKI: Then these are just ideas for new buildings. They have never really been tested? You may have very severe conditions up in the north and I am just wondering whether some of these will live up to your expectations.

Mr. WICKWIRE: There are various types of foundations being set up in detailed working drawings to meet different construction conditions.

Mr. KORCHINSKI: I can quite understand different construction conditions but your plans call for a specific building. Is it your intention to change some of these plans afterwards, or have you just gone into this field quite recently?

Mr. WICKWIRE: Those designs, Mr. Chairman, are the result of our study and experience with construction over the years. I think they are a very economical type of design which can be adapted to practically any site by just changing the type of foundation. For instance, if you are building in the permafrost area you have to take special precautions in regard to foundations.

Mr. KORCHINSKI: From the experience you have accumulated over the years, have you passed on any of this information to, say, the Department of Public Works?

Mr. WICKWIRE: Any of our plans which the Department of Public Works would like to use are available to them at all times.

Mr. KORCHINSKI: Upon their request?

Mr. WICKWIRE: In fact I think we have turned over to the Department of Public Works every standard residence and school plan that we have used in the past. These ones which you are speaking of have not advanced to that stage. They have to go to the advisory committee on accommodation before being used on construction.

The Department of Public Works have used what we call our standard three bedroom plan, 1440, which is used quite universally by that department. Also I think our 1230 plan (concrete on grade construction) is used to a large extent by the Department of Public Works on construction. Going back to the 1440 plan, one of those is being built at Fort Simpson. I understand there are some modifications of the foundations and the department is going to build two others of the same plan.

Mr. KORCHINSKI: Earlier I asked about the size of a classroom. I think you indicated that there would be about thirty or forty students in the classroom. Do you plan your design according to a request which is placed before you, or do you say, for instance, that you do not think a classroom should be any larger than a certain size and pass this information to the department; or does the department say they want a school to accommodate sixty or seventy students and you design it according to that request? What is the procedure?

Mr. WICKWIRE: So far as the size of the accommodation is concerned in a school, it all has to be approved by the treasury board advisory committee on accommodation. The Department of Public Works, in respect of a certain school design, would place before the treasury board advisory committee a preliminary design and the advisory committee would say whether or not that would be approved. The standard maximum classroom which we construct is twenty-four by thirty-two. When you get into special purpose classrooms like domestic science and manual training, then the twenty-four by thirty-two does not hold. Usually this special type of classroom is a little larger; it may vary according to the region.

Mr. KORCHINSKI: I am thinking of an area where you have forty students, for instance, and you design a classroom. I still am not clear as to whether or not you design the classroom originally and the department accepts it, or whether they request a certain type and you design that. If a classroom would accommodate a maximum of forty students and you had sixty students, which would mean there would be twenty extra, and you were to design a sort of duplex classroom that might mean that you would never fill the other classroom. I would like to know whether or not you design the plans originally and the department approves them or whether the department puts in a requisition saying this is what they will need for the next few years and you design something to accommodate them.

Mr. WICKWIRE: We get a request for a one or two classroom school. They set the standard as to how many children should go into a classroom. So far as an Indian population is concerned, you may have twenty children this year, next year twenty-five, and the year after possibly forty in a classroom. When it approaches the point of forty, they would tell us that they want another classroom added to the building. Therefore, our plans must be such that we can expand and add an additional classroom with the best economy.

Mr. KORCHINSKI: That is what I wanted to have established. I was wondering whether the department establishes the amount of expenditure, or whether you decide that and the department either approves of it or says they will try to find something else. In that case they may purchase some sort of prefabricated building or something like that. I think you have indicated the department gives you an indication of its needs.

Mr. WICKWIRE: Yes.

Mr. JONES: A lot goes on before this stage is reached. It starts with the educational survey in the field, the potential, and the expected growth of the children from one year of age, up. Therefore, whenever possible when we are providing accommodation at a certain place it is based on a forecast of the growth of population.

Mr. KORCHINSKI: That is exactly what I wanted. Does the department request certain types of construction or is the design there and the department either accepts it or not? You have a survey as to what your requirements will be.

Mr. JONES: Yes.

Miss LAMARSH: I notice some of the sketches have optional toilets on them. I wonder what percentage have indoor plumbing as opposed to outdoor plumbing?

Mr. WICKWIRE: It depends on the location. If it is in an area where inside plumbing can be developed without too great cost, that certainly would be included in the school design. There are many areas, particularly in isolated places in northern Canada, where the cost of developing complete indoor facilities represents a staggering amount of money. In such cases, where the population is not too far advanced, according to modern standards, many of our classrooms use the outdoor privy.

Miss LAMARSH: Surely the same type of septic tank arrangement could be used as is used in summer camps; even this pail a day sort of thing.

Mr. WICKWIRE: In areas where the ground is frozen to great depths we have found this is not satisfactory. There are other types of the chemical tank toilets sold which we find can be used in the teacher's quarters; but when it comes to the classroom building, you have to make sure that you do not use heavy paper and material that will not dissolve in this liquid. We find that the

control by the teacher is not adequate to prevent these plugging up. It might work in respect of the teacher's residence—we know it will; but when you put it into a school you have much trouble with it.

Miss LAMARSH: I am sure that is one of the first types of education these children should be given; that is, to teach them something about indoor plumbing and toilet habits. It might be worth the additional cost involved in trying to teach them that.

Mr. WICKWIRE: That is possible. In the really isolated areas I believe the first thing to teach an Indian possibly is the sanitary use of an outdoor privy. That may be a startling statement, but some of these Indians coming in have had no training at all. I am told that at one school when the Indians came into the large residential school they did not know how to walk upstairs; they went up on their hands and knees. Many of these Indians are in a stage of development that I myself was in thirty or forty years ago.

Miss LAMARSH: There is a series of articles which has been running in the New Brunswick *Gleaner* about Indians on the reserve there. I notice there is a photograph of an outdoor privy. It is at about a sixty degree angle and has no door on it. One child told the reporter that it was not necessary to have a door on it because it did not face the house. In this construction program I take it you are only doing this sort of thing in respect of schools and not in respect of homes, and in the more civilized parts of the country. I would think that in New Brunswick there would not be much excuse for not being able to teach the people to use indoor plumbing.

Mr. WICKWIRE: In New Brunswick the pail-a-day toilet has worked fine.

Miss LAMARSH: Is it only in places where we have permanent frost?

Mr. WICKWIRE: In western Canada, where you have a non-permeable type of soil, the pail-a-day septic tank means of disposal has proved unsatisfactory, as far as our experience over ten years is concerned.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If I might interrupt, before we get too far on page three, there was a question by Mr. Korchinski before lunch, for evidence to be introduced into the record. I have been advised that that evidence will be put to the committee by the end of the week. Now, with the committee's permission, we can include it in the evidence at the time that it is available. Is that agreeable?

Agreed to.

Mr. KORCHINSKI: I have one more question.

Senator MACDONALD: I have one.

Mr. KORCHINSKI: Go ahead.

Senator MACDONALD: No, you go ahead.

Mr. KORCHINSKI: My question is this: What is the bare minimum, or what is the minimum essential that you would consider before you would put in central heating? What would guide you in establishing a central heating system? I notice some of your plans call for central heating. How much of a structure would you have to have before you would include central heating?

Mr. WICKWIRE: Mr. Chairman, usually it is a design that goes up to a three-classroom unit, where you would expect to have central heating. If electric power is available, we would like to have a forced warm air system; however, if electric power is not available, then individual space heaters may be used in the figure you are looking at there. Once you get up to a three-classroom school, you usually consider that, if there is no electric power, you will generate your own electricity. You also will usually have indoor plumbing and a forced warm air heater, or else a hot-water system will be necessary to distribute the heat to the three classrooms.

Mr. KORCHINSKI: I was wondering, if you are going to have central heating, why is it you have optional toilets, here? Following Miss LaMarsh's question, it would seem to me, if you had central heating, they complement each other. That is to say, if you have central heating, you could perhaps install toilets.

Mr. WICKWIRE: Mr. Chairman, that would be a desirable objective to work towards, but if you are building a school on some rocky shore, you can contemplate very well what it would cost to develop a water supply system. That is generally the governing factor. If it is possible to drill a well, or get an intake into the lake at reasonable expense, then we would certainly develop a water supply system. On some of these rocky shores we have to put reservoirs in the basement, in order to establish a regular water supply system.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): I think Senator MacDonald had a question.

Senator MACDONALD: No. What I was interested in was sewage disposal.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Well, are we all through with the questions or comments on page two, then?

Mr. CHARLTON: Before we go further, I would like to ask Mr. Wickwire if he could give us any comparison of costs between a classroom, for instance, built by grant in a school municipality where a government system is being used and the school payment is being made by the municipality, as against the school room built by our own department, or the Department of Public Works?

Mr. WICKWIRE: Mr. Chairman, I have no figures at my fingertips, as far as the cost of classrooms in urban centers is concerned. I am afraid I do not have that information.

Mr. CHARLTON: You do not have the cost of that?

Mr. WICKWIRE: I do not have that at the present time.

Miss LAMARSH: I could use this figure. In southern Ontario it was \$20,000 for a classroom last year. This takes in the other services such as basement, recreation, and things of that kind, but even the separate schools in southern Ontario are being built for \$18,500, approximately. What are the department's costs?

Mr. WICKWIRE: Our costs on designs, which we turn out ourselves, are running actually between \$11 and \$14 per square foot, depending on the area where it is being built. Regarding the cost per classroom, we usually do not break it down on that basis. We take the whole building. There could be different types of accommodation. There might be a classroom, gymnasium, recreation area; there might be accommodation for principal's room, teacher's room, and possibly a nurse's clinic where we might collaborate with the Department of National Health and Welfare. All those features make it difficult to just say that the cost of construction is so much per classroom.

As far as the engineers and architects are concerned, we usually compare it in cost per square foot, and the price of \$11 to \$14 per square foot compares favourably with the cost of schools done by outside architects in the area that you mention.

From the published figures in magazines, we select them at different times and compare them.

Miss LAMARSH: Surely you are not talking about these extendable schools, this idea of prefab, because very few communities are using these.

Mr. WICKWIRE: Not too many, unless they want a quick addition to an already completed school. They might put in a prefabricated unit attached to another building until they had time to raise the money and get approval for expansion in standard construction.

Miss LAMARSH: I was wondering, following upon Dr. Charlton's question, whether schools that are built by government service are like houses that are built by the Royal Canadian Air Force—considerably more expensive than private enterprise could build them, or whether they are, in fact, a saving?

Mr. WICKWIRE: Mr. Chairman, I can obtain from our records, I suppose, all sorts of prices on schools built by municipalities on the basis of cost per square foot. Some would cost more, and some less, but I can assure you that the cost of \$11 to \$14 per square foot, which we have according to our records, is a reasonable cost.

Miss LAMARSH: Who actually does the construction? Do you call for tenders, or does someone outside do this, or do the departmental employees actually do the construction?

Mr. WICKWIRE: There was one thing I explained to the committee this morning, and that was that the Department of Public Works are now handling most of our major construction, of both day and residential schools. Up to a certain money value, we do a number of prefab one and two-classroom schools. We have done this in previous years, and we will be doing a number this year. A limit of about \$100,000 is set depending on whether or not we have sufficient time and staff to supply these standard designs at different sites. We may be doing a greater number next year, but they will not be large projects requiring a lot of design.

Miss LAMARSH: Who does them? Do you do them? Or do you contract out the work?

Mr. WICKWIRE: There have been cases where we have bought the material and had them constructed by hiring a competent foreman, but in most cases, as far as schools are concerned, it is a straight tender proposition.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions?

Mr. CHARLTON: Just to follow up a question of mine, is this \$11 to \$14 per square foot, Mr. Wickwire, brick construction, frame construction, plywood construction, or what?

Mr. WICKWIRE: Wood frame construction.

Mr. CHARLTON: What would a brick construction be?

Mr. WICKWIRE: We do not supply any brick, actually. We consider that our schools are more or less of a non-permanent type. We are hoping for integration. We do not build brick or stone schools any more, as far as we are concerned. We have many residential school which were built thirty years ago, of brick and stone, but as far as the day school program is concerned, in recent years there have been none built of other than wood frame construction.

Mr. CHARLTON: On the Six Nations reserve?

Mr. WICKWIRE: You may have me, there, because I know the Department of Public Works built a brick structure there.

Mr. CHARLTON: I just wondered if you had any idea how much that new school being built there is costing, per classroom.

Mr. JONES: That cost more than the figure mentioned, but this was built by Public Works, and they had to conform to the building code of Brantford.

Miss LAMARSH: Why would they have to conform to the building code of Brantford?

Mr. JONES: Because one is practically in Brantford.

Miss LAMARSH: It is on federal land, is it not?

Mr. CHARLTON: It is in Brantford.

Mr. JONES: It is in Brantford. If I might amplify some remarks that Mr. Wickwire has made, we are planning—and have planned for some years—for a day school, with one, two, or three classrooms, that would have a life possibly of 15 or 20 years, and that would have light, heat, and two exits per room. We are interested in that kind of construction at a minimum cost. We carry no insurance. We can write off four schools a year and still be ahead of the game financially, but we average about one day school a year being burnt. So, we are not after an expensive structure that is going to last fifty years, because of the changing scene where the Indians live. Therefore, in these smaller schools we are interested in a program of low cost structures which are well heated, well lighted, with safety features.

Miss LAMARSH: This is a pretty new program, is it not? I notice that none of these plans are published before June, 1960, and most of them are from 1961.

Mr. WICKWIRE: Mr. Chairman, the purpose of bringing this brochure and plans was to try to give the committee some idea of our future planning, and what the results of research in new school development has been. If you will look at the welfare housing plan brochure on Canadian Indian homes, you have only four plans there. And if you will examine this list underneath here, you will see there are ten sets of plans there for welfare homes.

Miss LAMARSH: This low cost, expandable school is dated 1960.

Mr. WICKWIRE: That is true. These are new developments.

Mr. HOWARD: I take it from what Colonel Jones says, that by building schools which have not longer than 15 or 20-year lives, that you perhaps hope to be out of the educational field by that time?

Mr. JONES: Mr. Chairman, we would hope that in that length of time there will be more integrated schools for the Indian children to attend, together with the white children.

Mr. HOWARD: Is this coupled with a concerted policy in the department to push the program of integration?

Mr. JONES: It is the policy of the department to encourage integration at the speed at which the Indians feel it is useful and wish it.

Mr. HOWARD: I understood the policy as announced by the minister a couple of years ago was not to push it, but to make available the agreements for integration, and allow the initiative to rest with the local school boards. That is what "encouragement" means—sit back and wait?

Mr. JONES: That is correct, a certain amount of initiative must come from the municipalities. If the Indians in a certain neighbourhood did not want an integrated school program, there would be no push on our part. It has to be acceptable, and must be desired by the Indians, and also by the school boards.

Mr. KORCHINSKI: Do you want to shove it down their throats?

Mr. HOWARD: Do not misinterpret what I am saying. You are very adept at that, especially today. Just do not misinterpret what I said. Let me misinterpret my own words, but please, don't you do it. All I asked was, is the policy of the department to push this question of integration of schools, and I gather that the answer is "yes", which is different from what I was given to understand a few years ago.

Mr. JONES: I think my answer was, to encourage it where it is desired by the Indians, and as Mr. Korchinski mentioned, where it is also desired by the school boards. There must be a happy marriage.

Mr. HOWARD: This is quite true, Colonel Jones, but we were given to understand by the minister, before, that it was merely a matter of saying, we will agree with entering into agreements for integrating schools depending on what is desired by others. Now, if this is what is meant by "encouragement", then the two thoughts are compatible. If something else is meant, then they are not.

Mr. JONES: I always thought the minister's statement was perfectly clear on the attitude of the department in favouring and encouraging integrated schooling. But it must be on the basis that the Indians themselves want it, and also at the wish of the school boards, so I think that is very compatible.

Mr. CHARLTON: I think probably the unfortunate use of the word "push", as used by Mr. Howard, is what has caused the argument here. "Encouragement" and "push" are two different things.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Actually, we are probably getting a little bit afield. We are considering only engineering and construction, and not policy, at the moment. There will probably be an opportunity to discuss policy at a later time.

Are there any other questions on page two?

Senator MACDONALD: Mr. Chairman, just before we leave it, I do not know whether it would be possible at this time to bring up the question, but we have listened to a great deal about these prefabricated schools and prefabricated homes, and I do not think it has been put on the record yet what the costs are. You know there are a lot of people across Canada who read Hansard, and they might be interested to know that. Would it be a fair question to ask the witness, Mr. Wickwire, what the total cost of these buildings might be?

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): As related to localities?

Senator MACDONALD: Well, I would not say that—the average. Would you be prepared to answer that question?

Mr. WICKWIRE: Mr. Chairman, I can give you some indication of the cost of the completely prefabricated units which we are taking into northern Manitoba. The materials cost just in excess of \$10,000—

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Mr. Wickwire, could I interrupt for a moment? That refers to page three. Are we through on page two? Then, page three: I believe Miss LaMarsh was discussing something, and Senator MacDonald had a question. Are you through with your discussion on page three, Miss LaMarsh?

Miss LAMARSH: At the moment.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Senator MacDonald, page three, now.

Senator MACDONALD: You heard my question. Perhaps I should repeat it. The question was: We have been hearing a lot about prefabricated schools, prefabricated homes, and "packaged" schools. I do not think it has been put on the record yet—and I know there are a lot of people who read our Hansard. Would it be proper, or would it be a fair question to ask what the total cost of each of these units would be? Are you at liberty to do that?

Mr. WICKWIRE: Mr. Chairman, I think I can give you some sort of answer. With regard to the three units we are taking into northern Manitoba, the material purchased was completely prefabricated, and the cost of material for each of these units was slightly in excess of \$10,000. I cannot give you the exact figure.

Now, to set that building up on a concrete foundation and to erect it, with an expert from the factory on hand to supervise the construction, and using Indian labour, I have estimated the final cost to be less than \$14,000.

Senator MACDONALD: That is for what?

Mr. WICKWIRE: That is for a completely prefabricated school made of panels—

Senator MACDONALD: Two-room schools?

Mr. WICKWIRE: These are one-room schools, constructed of 4-foot panels for the walls, 4-foot wide panels for the floors, and a roof also made of prefabricated panels. The exterior has an aluminum skin directly secured to the outside panels. The roof is a corrugated type of aluminum over plywood, and it has standard wood-frame windows. The total cost of that unit, when they eventually erect it, we expect to be well under \$14,000.

Now, there are three of them in an isolated area where the material had to be taken in by tractor train freight. These particular units have no inside plumbing. There is no water available, and for that reason the cost is less than the \$20,000 per classroom.

I can give you another example of what I call a pre-cut, semi-prefabricated two-classroom school, with complete inside plumbing, with basement facilities, a heating system in the basement, and some space available for recreation. The cost of that, together with septic tank and disposal field, was in the neighbourhood of \$27,500. That was a very favourable price. That is considerably less than the \$20,000 per classroom mentioned, but this particular two-classroom school that I have in mind has no teacher's room. However, it has complete inside plumbing, as well as forced warm air heating. Now that is in a settled area in western Canada.

Miss LAMARSH: Does it not look pretty terrible with aluminum skin?

Mr. WICKWIRE: Well, I have finished with the aluminum skin up in northern Manitoba, and I am now describing a wood frame building that was constructed for \$27,000 in another area in western Canada. I am sorry I did seem to distinguish between the two types. This structure in western Canada is what I call a pre-cut, semi-prefabricated unit, in that every part is made in the factory, ready to be erected on the site. Does that answer your question?

Senator MACDONALD: Yes, I think it does, but I want to get clear on that aluminum skin. Is that the roof?

Mr. WICKWIRE: The roof is of a heavier gauged aluminum.

Senator MACDONALD: I know what it is.

Mr. WICKWIRE: And the side walls have a simulated vertical seam, and at the same time you can get that aluminum skin with a baked-on enamel finish which is expected to wear for ten years.

Senator MACDONALD: What did you say the cost of that was?

Mr. WICKWIRE: We expect the cost, fully set up on foundations, using Indian labour, under the supervision of a factory representative, to be less than \$14,000.

Senator MACDONALD: And that is for how many classrooms?

Mr. WICKWIRE: Each is a one-classroom unit.

Senator MACDONALD: All right. Let us get back to a two-bedroom home, prefabricated. What is the cost of that? Would you care to put that on the record?

Mr. WICKWIRE: Mr. Chairman, I hope you will take my figures. I am quoting from memory, you will appreciate. But I have a good memory as far as these particular buildings are concerned.

Last year we built in western Canada a number of two-bedroom, pre-cut, semi-prefabricated teachers' residences, containing just under 700 square feet of floor space, complete with water connection, septic tank, and tile disposal bed at a cost of around \$10,875.

Senator MACDONALD: That answers the question, Mr. Chairman, but it seems to me to be high.

Mr. HOWARD: Mr. Chairman, a few days ago the Indian affairs branch provided us with a booklet called, "The Canadian Indian Homes". Is this one that your division uses, or that is used through your division?

Mr. WICKWIRE: Mr. Chairman, very much so. That was prepared by the engineering and construction division with certain sections written by other specialists in the Welfare division. I believe Dr. Willis, of the National Health and Welfare Department, collaborated on one of the articles there. There are booklets on log construction, sewage disposal, and different aspects of building, community planning—all contained in that one brochure. The plans of the Indian homes which you see there—there are four plans, types A, B, C and D—have now been added to. We have about six more which are in these big pamphlets here, and which will be reduced down eventually, and placed in that brochure.

Mr. HOWARD: By whom is it used mostly?

Mr. WICKWIRE: The brochure is sent out to the regional officers, to all the superintendents. The idea is that when an Indian wants a home, the Indian superintendent will get a group of Indians together and they will examine the different plans and decide on what plan they would like to construct, after studying that brochure, plus additional plans that are available. But I might point out that they are not strictly limited to the plans contained in that brochure. Those are the latest ones that have been developed by our architectural section.

Mr. HOWARD: I notice it goes into a considerable amount of fine detail, in some instances, about some aspects of building—selecting the site, water, sewage disposal, and the like. I wonder if this was done primarily for the advantage of the agency superintendents. Why the extreme detail?

Mr. WICKWIRE: Have you more to add to your question?

Mr. HOWARD: I have one particular phrase. It would seem to me to be an extremity of detail in connection with these things, and I wondered as to the necessity of it. Perhaps it would be indicative of some of the other parts, if I were to read a part. Here is a page related to sewage disposal, and it says:

Strictly speaking, few pit privies have been constructed that are entirely fly-proof. It is therefore really a waste of time trying to make a pit-privy fly-proof. The point to remember is that flies are attracted to light, and if the structure of the privy above the ground is therefore provided with large windows, and placed in direct sunlight, its builders are simply asking for fly trouble. The interior of the privy should therefore be dim, but not so dim as to prevent a user from attending to his business.

I just wondered about the necessity for that sort of detail in this sort of thing.

Mr. WICKWIRE: Well, Mr. Chairman, the article you are reading from was actually prepared, I believe, by Dr. Willis, who is the sanitation or medical officer with the Department of National Health and Welfare. He prepared that section of the brochure.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Might I suggest, Mr. Wickwire, tomorrow afternoon we will have the director in charge of Health and Welfare, and you might well leave that question for him, Mr. Howard.

Mr. HOWARD: Quite pleased to.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Senator MacDonald, I think you probably were interrupted. When you had your last figure, you mentioned that you thought it was too high. Probably the witness could indicate an area that would exemplify that price.

Senator MACDONALD: That could be possible, but I was figuring the average.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are you satisfied?

Senator MACDONALD: Yes, that is O.K.

Mr. WICKWIRE: Mr. Chairman, I could possibly add, in defence of that figure, actual construction of housing I believe, in the Ottawa area runs around \$14 per square foot. The house I mentioned had about 700 square feet, which would bring it up to \$9,800 at \$14 per square foot. So, when you consider that there was also a septic tank and disposal field, you have to add a bit for that. There is also the question of the pump and water supply system in a rural area, which brings the price up. I thought it was quite a reasonable price. Actually, on that same type of construction, in three-room residences, the price is a little better. We had a number of tenders, and the low tender on a three-bedroom residence with 960 square feet, with complete services, was in the order of \$13,375, I believe. I am quoting from memory, but I am not too far out, and if you take 960 square feet and multiply by \$14, you get \$13,440. That is, if we take \$14 per square foot as a reasonable price for building. I was quite pleased with it. In fact, the low tender was much less than the second-lowest tender, because the second-lowest tender was something in the order of \$15,000. I thought we were getting a really good bargain.

Senator MACDONALD: I think we will all have to turn Indian.

Mr. KORCHINSKI: There is only one question I would like to ask at the moment. They have a series of plans here. That does not necessarily mean that they will have to accept those plans does it? If someone wanted a plan which was permissible, and the department approved it, surely they could come up with some other ideas, could they not? It would be acceptable to the department, would it not, if they had another idea of their own, or some other plan that was similar to these plans, as far as residences and dwellings are concerned? I am looking at the model homes, for example.

Mr. WICKWIRE: This model home, here, was built as a prototype in Manitoba at the Peguis Central school by a group of junior high school pupils, under the supervision of the manual training teacher, and it had an official opening and was very well received. But there were certain criticisms of the plan, and certain improvements our architects thought they should incorporate. If you look at plan C, there, and examine it in close detail, you will find that there were certain minor changes made as a result of experience with what we call our model home built at Peguis. The same thing applies to cutaways on the back wall, there.

Mr. KORCHINSKI: But in all cases where they do construct homes like that, does the department approve of them before they start construction, or are they able to proceed on their own?

Mr. WICKWIRE: Mr. Chairman, if there is a different plan promoted by someone else, possibly the superintendent, or perhaps someone submits a different design that they might wish to build, it usually comes before our engineering and construction division, and we look it over and suggest possible minor changes that would improve it. Not too long ago there was a plan which came to us from the Northwest Territories, the district of Mackenzie, and the plan had only one exit. Our architects, by a little adjustment, were able to provide an additional exit and make improvements to the plan. It was sent back, and they had to increase a few items on the bill for materials, and there were some changes made in the floor construction, but we did do our best to improve the design. There was one weakness in the design, I remember. They had a vapour seal on both inside and outside. In constructing a wall, you must have the vapour seal on the inside, and that allows any vapour that may get into the insulation to breath out through the outside wall.

In the Northwest Territories, and up north, there are quite a few homes built of log construction. Although some of us may be thinking that log construction does not look too well from the esthetic point of view, actually, the way we build a log building it is a very well-insulated home. You use 8-inch logs squared on three sides, with 2x2 strapping on the inside, and insulation with a vapour seal back and quarter-inch plywood, and you have a wall, as far as heat loss is concerned, which is much better than my house, and probably some of yours.

Mr. CHARLTON: It would be at a greater cost than a prefab house, would it not?

Mr. WICKWIRE: Mr. Chairman, in certain areas, particularly where it costs a lot to get the material in, we find that the log construction is possibly cheaper.

Mr. CHARLTON: Where you have the logs on site.

Mr. WICKWIRE: The logs are there and can be squared in the local sawmill, and it means moving the minimum amount of material from the south up to that area. That is the reason we go to that type of construction in certain areas.

Mr. CHARLTON: Another question regarding the single classroom school costing \$14,000 in northern Manitoba: What would the transportation cost of that material be?

Mr. WICKWIRE: Mr. Chairman, this particular job was a winter freight job into northern Manitoba, and if I am allowed to quote a price, which I believe is correct, from my memory, I think the freight cost was something in the order of \$2,350.

Mr. CHARLTON: Why I asked that question is, I presume it is a smaller prefab home. I just had correspondence about this a couple of weeks ago, and as I recall it, a complete prefabricated home in British Columbia, say, close to Vancouver, was only in the nature of some \$2,800 complete. That was not installed. It was not built, but the complete materials in that prefab house amounted to something like \$2,800. Now, I don't know what type of house it would be—

Mr. WICKWIRE: Are you thinking of this simulated log type of construction?

Mr. CHARLTON: No, this was purely plywood construction, but it was completely prefabricated, just a short distance, I presume, from New Westminster, B.C., on some reservation there. They were prefabricating them, instead of sending the rough lumber out, because there was so much waste by an incompetent carpenter, for instance. They thought it was cheaper to buy the prefab materials, and the cost, as I remember it, was something in the neighbourhood of \$2,800 for the roof and everything.

Mr. WICKWIRE: Are you speaking of an Indian home?

Mr. CHARLTON: Yes.

Mr. WICKWIRE: Actually, the prices of these Indian homes, for the types you see there, A, B, C and D—the smallest model is 324 square feet—the material would be at an average cost of \$1,512, and cost of labour an additional one-third or \$756, so the total cost or average cost across Canada might be \$2,268. That is the type of A model.

Mr. CHARLTON: That is only 300-odd square feet?

Mr. WICKWIRE: That is all that that first plan, type A, involves—324 square feet. Plan B is 372 square feet, and we think that the cost of that, the average price across Canada, might be \$2,604.

When you get into types C and D, they are larger, with more space, type C is 630 square feet and at an average of \$7 per square foot, that works out to \$4,410. That is complete.

Now, I do not wish to deceive you as far as these prices are concerned, because the plan shows a complete bath, but in normal cases the complete bath would not be provided in that cost. There is one thing I can assure you of, as far as these designs are concerned, and that is, so far as the insulation of the walls is concerned, we offer three selections of insulation—2, 3 or 4.

Under the National Housing Act, or Central Mortgage and Housing Corporation approved standards, two-inch insulation would pass their inspection, giving you a heat loss through the wall of what we refer to as a U-factor of 0.15. When you come to the central or northern Canada areas, we recommend a little thicker insulation, which gives you a much better insulation factor than would be demanded by Central Mortgage and Housing, for example.

Mr. KORCHINSKI: For my information, I wonder if you could give us the location of these prefabricated homes in northern Manitoba?

Mr. WICKWIRE: Mr. Chairman, one is at what we call Nelson House U.C., another is Nelson House R.C., and the other is God's Lake, Manitoba.

THE ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other general questions regarding the brief?

Mr. KORCHINSKI: Were these taken in in the wintertime or summertime?

Mr. WICKWIRE: They were taken in by winter tractor freight. Actually, the company that supplied the material paid the transportation cost in one case to Waboden, and the other to Ilford, and then the tractor freight company took them in to the sites last spring before the breakup. They are not erected yet.

Mr. FANE: Mr. Chairman, just looking through this set of plans here, these houses that are shown in front, they are a unit, and they could have the same unit added on to accommodate a larger family. A, for example, can be doubled in size to accommodate a larger family than one which requires only one bedroom, a living room, kitchen and bath. Is that what I understand from the plan?

Mr. WICKWIRE: Mr. Chairman, may I ask which plan you are referring to?

Mr. FANE: This is plan A.

Mr. WICKWIRE: The way it is shown in the brochure, it is supposed to be a double or duplex unit. The "repeat" means you repeat exactly the same as this for, say, an elderly man and his wife who did not anticipate a family. Now, if you wanted one that you could later expand, you would probably select type B. That would be a young married couple that expects a family. They move in and if the family is enlarged, the rear part can be extended so as to include the bunks and special bedroom for the parents. Our architect, Mr. Francis, who is present, has tried to anticipate the expansion of this construction, and if the chairman would like any of the designs to be covered in greater detail, we could perhaps arrange that either formally or informally, after the meeting adjourns, whichever would be your wish.

THE ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would that be agreeable, Mr. Fane?

Mr. FANE: Oh, yes, I do not require further explanation of this. I saw in this "A" plan the word "repeat", and I just wondered if it meant the same house over again, for a larger family. I realize that that was not so. This was planned for just one couple.

THE ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions on engineering and construction?

Senator MACDONALD: I think, Mr. Chairman, I tried to get in a question about sewage disposal. What is your idea of cesspools, and so on, and sewage disposals? Can you elaborate on that, or do you insist on it, or what are the circumstances?

Mr. WICKWIRE: Mr. Chairman, I would refer problems of that nature to my sanitary engineer, who works on water and sewage problems, but we generally feel that a septic tank with the effluent flowing into a disposal tile bed is better than a cesspool. The experts tell me that the objection to a cesspool is that the effluent is down a considerable depth below the surface of the ground—not too deep, but it is down, and instead of being treated as it is in a disposal tile bed, it seeps into the soil and may contaminate wells. That is the real objection to a cesspool, rather than a tile disposal bed.

Mr. FANE: Rather than a field, a cesspool would be preferable?

Mr. WICKWIRE: No—the opposite. The tile disposal bed treats the sewage in the top 18 inches of the ground, and it is completely treated there, and there is no contamination unless it gets too widely dispersed. You would not be allowed to dig or drill a well closer than 75 feet to such a disposal bed, but they tell me in cesspools the contamination might follow strata of rock and might contaminate something a quarter of a mile away. That is the real objection to it.

Mr. FANE: I quite understand that. Unless there is sand for it to run through, contamination will still exist.

Mr. WICKWIRE: That is right.

Senator MACDONALD: Now, the reason, Mr. Chairman—if you will permit me to use another minute—the reason I put this question is that in my own home, when we put the water system in our home, we took the water about 150 feet from the pump, a well that was about 65 feet deep, and we got electricity in, and then we put a cesspool on the back of the home. That was twelve years ago, and we have never had any trouble.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Senator MacDonald, would you like detailed information from the engineer on that, either personally, or put into the record?

Senator MACDONALD: Not necessarily.

Mr. WICKWIRE: I can answer it very briefly, if you wish, Mr. Chairman. It depends on the type of soil. Normally, a cesspool 150 feet away from a well would be no hazard, as far as contamination was concerned. If you run into some stratified rock condition where there were seams, it is possible that this affluent that goes into the septic tank might seep through the crevices in the rock and contaminate your well.

Senator MACDONALD: I do not think that has happened in this case.

Mr. WICKWIRE: Well, you probably have a good type of soil.

Senator MACDONALD: That is the end of that question.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would you like information on various strata and soil, et cetera?

Senator MACDONALD: It might be a good thing for the committee to have.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Could you do that, Mr. Wickwire?

Mr. WICKWIRE: Mr. Chairman, I imagine we can find the whole thing in this booklet, "Domestic sewage disposal". It will give you practically all the answers in that booklet.

Mr. FANE: We will take it as read.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If that is the end of it, gentlemen, we will proceed with Mr. Brown, special assistant to the director concerning enfranchisement. We are not quite able to adjourn yet, Senator.

I think the committee are quite satisfied with your evidence, Mr. Wickwire. You did a very good job in presenting your brief.

Mr. WICKWIRE: I might say, I came up here with certain apprehensions, and I hope you are satisfied.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): May we call on Mr. Brown, then, who has a brief on enfranchisement? The brief is on general enfranchisement. Is it your wish that the witness read the brief and then take it page by page?

Would you proceed, please.

Mr. L. L. BROWN (*Special Assistant to the Director, Indian Affairs Branch*): Mr. Chairman, and gentlemen of the joint committee, the term "enfranchisement" as used in the Indian Act describes the legal process whereby an Indian gives up his Indian status and the special rights pertaining thereto, and, at the same time, assumes the privileges and obligations of full citizenship.

As provided in sections 108 to 112 of the Indian Act, R.S.C. 1952, chapter 149 as amended, enfranchisement may be achieved by voluntary individual application, by voluntary band application, and, in the case of Indian women, by marriage to non-Indians.

(1) Individual Application

To qualify for enfranchisement an applicant must meet the requirements set out in subsection (1) of section 108, namely, that he be 21 years of age, be capable of assuming the duties and responsibilities of citizenship, and be capable of supporting himself and his dependants.

All applications are screened by a board of three senior officers at Ottawa. As the requirements of the act, apart from the age requirement, are of a very general nature, the board applies the following criteria in assessing applications:

- (a) Has the applicant lived away from his reserve for a number of years?
- (b) During his absence from the reserve has he been able to support himself and his dependants without assistance from a municipality, province, etc.?
- (c) Does his off-reserve employment record indicate he is capable of competing with non-Indians for employment and that he can probably continue to support himself and his dependants?
- (d) Has he been a good citizen in the sense that he has no record of repeated violations of the law?
- (e) Does his off-reserve record indicate that he has settled down in a community or has he become one of the transient labour force?
- (f) Is the applicant's health record satisfactory?

In general, it can be said that the board requires an Indian to demonstrate that he is a responsible citizen, is successfully meeting the problems inherent in his change of environment, and has proved his ability to make a living off a reserve.

As evidence of the work load, during the fiscal year 1960-61 the screening board considered 151 applications for enfranchisement. Of these 91 were approved, 57 were not approved, and 3 were withdrawn. The applications approved involved 125 adults and 70 children.

(2) Band Application

Section 111 of the Indian Act provides that the members of a band may be enfranchised as a group if a majority of them are in favour of such action, and, in the opinion of the minister, the band is "capable of managing its own affairs as a municipality or part of a municipality".

This requirement is a very general one and in practice the question of capability is usually assessed by a committee of inquiry appointed under section 112 of the act. The enfranchisement of a band poses many problems for

a committee to investigate, amongst which may be mentioned: disposition of lands, moneys and other assets; the addition of the reserve lands to an adjoining municipality; the future education of the reserve residents; provision for welfare and medical assistance after enfranchisement; economic level of the group, etc.

Band enfranchisements have not been common. Only four applications have been received in the past 80 years. Three of these were received within the last 15 years, two being approved and one refused.

(3) Marriage to Non-Indians

Section 12 of the Indian Act provides that an Indian woman who marries a non-Indian forfeits her right to Indian status and band membership. Subsection (2) of section 108 complements section 12 by providing that in the event of such a marriage an Indian woman may be enfranchised. In short, as regards basic rights, the result of marriage to a non-Indian is the same as applying for enfranchisement.

This was not the case prior to 1951. Before that date Indian women who married non-Indians, while forfeiting Indian status and membership rights, retained the right to receive treaty money and the right to share in any distributions of revenue moneys made by the band of which she was formerly a member. In most cases these rights were of little or no value, for revenue distributions were rare as approximately one-half of the Indians in Canada are not in treaty. On the other hand, an Indian woman who applied for and was granted enfranchisement was entitled to a per capita share of the funds of her band, which in some cases amounted to several thousand dollars and in a good many other cases could be a substantial amount. The inequities in such a situation gave rise to the Act being changed in 1951 to provide that the monetary benefits payable to an Indian woman would be the same whether she was enfranchised following her application or as a result of her marriage to a non-Indian.

As enacted in 1951 subsection (2) also provided that the children of a woman who married a non-Indian should be enfranchised with her. It subsequently became apparent that there were far more children in this category than had been anticipated, and that many were being brought up on reserves by relatives or friends. To meet the problems inherent in such a situation the subsection was amended in 1956 to permit of some discretion in deciding what children should be enfranchised. In practice, we do not recommend for enfranchisement any child who is being brought up on an Indian reserve.

During the past fiscal year 592 Indian women were enfranchised following their marriage to non-Indians. Involved in these cases were 372 children of whom 167 were enfranchised and 205 were not enfranchised.

(4) Criticisms of "Enfranchisement"

Objections to the basic principle of enfranchisement, to the provisions of the act, and to the administrative practice thereunder vary from band to band and province to province. Some bands are opposed in principle to enfranchisement; some to certain aspects only; while others do not seem to be concerned with the problem in any way. As expressed in the briefs presented to your committee by Indian bands, Indian organizations, and other interested persons, the major criticisms seem to be briefly, as follows:

- (1) That the basic principle of enfranchisement is wrong—in that it implies a legal change in status is an essential ingredient to successful integration.
- (2) That the Indian's own money is being used as a bribe to induce him to apply for enfranchisement.

- (3) That enfranchisement should be subject to a probationary period of five years at the end of which an Indian should be free to elect whether to continue as a non-Indian or resume his Indian status and membership rights.
- (4) That Indians should have the right to be enfranchised on their election, without being required to meet conditions or qualifications.
- (5) That minor children should not be enfranchised with their parents but should have the right to elect as to their future status when they attain 21 years of age.
- (6) That Indian women enfranchised following marriage to non-Indians should if, widowed, divorced or separated, be able to return to their former reserves and re-acquire their former rights.
- (7) That Indians who take enfranchisement should not be paid a share of the funds of the band.
- (8) That in place of enfranchisement some criteria should be adopted whereby if an Indian leaves the reserve he is entitled to all the rights of an ordinary citizen but should he return to the reserve he resumes his rights and privileges as an Indian.

(5) Historical Background

Legislation on the subject of enfranchisement predates confederation and it seems clear that the early legislation envisaged enfranchisement as the door to integration. That it has not served this purpose is evident, for during the period 1876 to 1918 only 182 Indians were enfranchised and the total number enfranchised from 1876 to 1948 was only four thousand. Nor for reasons which will be mentioned does it seem likely that enfranchisement will be the door to integration in the future to any greater degree than has been true in the past.

(6) Reasons for Non-acceptance by Indians

While it is possible to suggest a number of reasons why so few Indians have taken enfranchisement, it is more difficult to suggest what weight should be given to each reason:

- (a) That the early enfranchisement legislation was far ahead of its time, having in mind the state of advancement that had been attained by the majority of the Indians. At least in the earlier years there were probably comparatively few Indians who in terms of present day standards were capable of competing for a living with non-Indians off reserves.
- (b) That lack of education and experience was a natural barrier to any large scale movement away from reserves, that is, towards integration and enfranchisement.
- (c) That to the average Indian enfranchisement was unattractive or to put it conversely, that he saw more disadvantages in it than advantages. The idea of paying taxes may be cited as one of the disadvantages.
- (d) That the close-knit structure of a band, its comparative isolation within a reserve, and its reliance on the government for assistance on so many every day matters, all mitigated against the average Indian striving towards integration. Rather these factors tended to promote a reluctance to leave the family circle on the reserve for an environment unfamiliar to them and a way of life which they were ill-adapted to meet.
- (e) That by a comparison with the majority of non-Indians the average Indian did not have the same ambition to get ahead in the world. By and large he was satisfied to live a relatively simple existence on his reserve in the traditional manner.

- (f) That even although they may be established themselves fairly successfully off reserves, Indians were reluctant to sever their connection with the reserve in case they might one day wish to return.
- (g) That they were proud of being Indians and members of a band and were reluctant to enter into a process, which would subsequently dissociate them entirely from the band.

In summary, I believe it can be assumed that enfranchisement was simply not attractive to Indians in the earlier years. Some of the reasons cited are undoubtedly not as applicable today as they were fifty years ago. On the other hand, some may be even more applicable. How else do we explain the fact that comparatively speaking so few Indians are interested in enfranchisement today when the numbers who could qualify and who are in fact fully integrated off reserves is many times higher than it was several generations back? I surmised above that at least in the early years the average Indian may have seen more disadvantages than advantages in enfranchisement, even although in those years there were certain disabilities attached to being an Indian. Progressively over the past twenty years or more these disabilities have been disappearing. Generally speaking, Indians are on an equal footing with non-Indians in receiving the benefits of social welfare legislation that has been introduced over the period in question. Indians now have the federal vote and in a majority of provinces the provincial vote. The age old restriction on Indians consuming alcohol is being gradually removed. In short, most benefits open to persons of non-Indian status are also open to Indians, which means that except in certain areas there is little real inducement for the Indian living off a reserve to take enfranchisement, for his position in the non-Indian community and his rights and privileges as a member thereof will not change materially through his enfranchisement.

(7) *Advantages or Disadvantages of Enfranchisement*

On the benefit side to an Indian who takes enfranchisement may be listed, though not necessarily in the order of their importance, the following:

- (a) That in many cases he can expect to receive a fairly substantial amount of money.
- (b) Qualify for provincial or other benefits and rights not available to Indians among these may be mentioned, liquor rights, the right to vote in provincial elections, the right to provincial social welfare benefits, and so on.
- (c) The possibility of a broader field of employment. We have heard of cases of employers giving preference in employment to non-Indians on the grounds that as the Indian was a ward of the government, he did not need a job as much as a non-Indian. In another case that came to our attention recently it was reported that a lumber company was reluctant to hire Indians because they did not have the right to consume liquor and would have to be quartered in a bunk house with non-Indians, who would be consuming liquor on the premises.
- (d) The removal of any feeling of inferiority or of being different. That some Indians consider themselves as being in a different and inferior category to non-Indians was clearly demonstrated to me some years ago during the early stages of a band enfranchisement. When asked at a public hearing why she was in favour of the band's enfranchisement, one of the better educated and more progressive women in the band stated that she and other women in the band had been taking part in women's association and parent-teacher asso-

ciation activities in the adjoining community but because of their status felt that they were not on an equal basis with the non-Indians in the group and therefore could not participate to the same extent as they would like to do so. Several other women present at the same meeting signified they agreed with this statement. Further questioning revealed that, while they were proud of their Indian origin, they simply felt that so long as they were Indians and were living on a reserve they were different from the members of the adjoining community.

Among the disadvantages to enfranchisement from the individual Indian point of view are:

- (a) That legally speaking the Indian cuts himself off from his band and his reserve, thereby depriving himself of any right to future permanent residence on the reserve and the right to retain reserve property, which he may inherit.
- (b) The possibility that he may be giving up the opportunity to participate in wealth which may come to his band in the future through the discovery of oil or some other valuable resource on the reserve.
- (c) That he cuts himself off from all sources of assistance from the federal government and must look elsewhere should he require assistance at a later date.

(8) The Future of Enfranchisement

Should the concept of enfranchisement be retained in the Indian Act or, as some persons suggest, should it be removed as having outlived its usefulness?

While admitting that it may not have served its original purpose of providing a door to integration, that it may not be particularly attractive to many individuals, and that it may have the unfortunate result of breaking up family groups, I suggest the better view is that enfranchisement has not outlived its usefulness and should be retained. This suggestion is based on the following reasons:

- (1) That so long as there is any legal distinction between Indians and non-Indians, with non-Indians having rights or advantages denied by law to Indians, it is surely reasonable that the Indian, who is in the generally regarded inferior position, should have the opportunity to qualify for the better position. If he is denied this opportunity he is in effect being told that regardless of how well you have integrated, how successful you have been, and how long you have been off your reserve, the fact that you were born an Indian means you cannot qualify for rights or benefits available to non-Indians. There should be no compulsion on the Indian to change his status, but it would be inconsistent with our democratic principles to deny him the right to seek a change if that is his desire.
- (2) If enfranchisement is dropped from the act an Indian who settles permanently in a non-Indian community is in effect cutting himself off from future benefits as a member of his band, for he has no means of realizing on what we generally speak of as his common interest in the assets of his band. Under the present act if he is successfully integrated he can realize on his membership right to the extent of receiving his per capita share of band funds. While some bands object to enfranchised Indians receiving a share of funds, it is really not a bad bargain for the band, for there is then no possibility that the Indian may return to the reserve in his later years and require housing and other assistance, which might far exceed the value of the per capita share that he would take with him on enfranchisement.

- (3) While enfranchisement may not be any more attractive to individuals in the future than it has been in the past, it may prove of increasing attractiveness to bands, for it is one way in which the members of a band could acquire full ownership rights to their reserve and the resources thereon and full control over the management of their own affairs.

The suggestion that enfranchisement should be retained was not intended to convey the impression that it should be retained in the exact terms which now appear in the Indian Act. Changes may be desirable and you will undoubtedly wish to consider the merits of the major criticisms mentioned previously, as well as the adequacy of the qualifications required of applicants and other points. While in the interests of brevity I have confined my remarks to some of the major aspects of enfranchisement, I shall be pleased to give you any further information on the subject which you may require.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Mr. Brown, would you have any general comments you would like to add to this, before the questions begin?

Mr. BROWN: I do not think so, Mr. Chairman.

Mr. HOWARD: We might run over pages 2 and 3 as there is statistical information on those pages about the number of people who have been enfranchised. I take it that at least for the past fiscal year—is this 1960-61 you are referring to—that the majority of enfranchisements would be as a result of Indian women marrying non-Indian males?

Mr. BROWN: That is correct, Mr. Chairman.

Mr. HOWARD: Has this same relationship, generally speaking, been the case since 1951 when the last change was made in the status of Indian women?

Mr. BROWN: Yes, there has been quite a predominance of enfranchisements as a result of the marriage of Indian women to non-Indians.

Mr. HOWARD: In substantially the same relative proportions—I think in this last year there were 91 voluntary to some 592 by marriage.

Mr. BROWN: Yes, Mr. Chairman, there is a table of details on this for a ten-year period. I believe it was in the review of activities we published, which I believe the members of the committee have. The proportion is very close—I am just going back to 1951—perhaps it is a little higher on the women's side this year than in the previous year, but they have been running about the same.

Mr. HOWARD: I have one other question in this regard. I asked a few questions in the house last year—or rather, I think it was in 1959—concerning the number of Indians who had been enfranchised. I believe the statistical table appears in *Hansard*, and I presume it is the same as the one you have there. However, I notice that from 1952 to 1957 the number of people enfranchised was in the neighbourhood of 657 to 800, or something of that nature, and that in 1958 this number declined to 394. In the fiscal year 1959-60 the number given to me was 1,123 and again, for this fiscal year, it was 954. Is there any special significance to the 1958 figure of 394? It would appear to be almost double that amount in each of the other years.

Mr. BROWN: Mr. Chairman, according to the table, the 1958-59 figure which I have in front of me shows a total of 802, as opposed to 954 this year. That is a difference of 152, but I think perhaps some significance is attached to that particular year. There was consideration being given to the question of enfranchising children of women who married non-Indians, and for quite a period of months there were no enfranchisement applications put forward to the governor in council. This meant that there were fewer applications in that year, but they were carried over to the next year, and this explains the figure of 1,123 in the following year.

Mr. HOWARD: What would the figure given for 1958-59 indicate?

Mr. BROWN: I see the total as being 802.

Mr. HOWARD: This copy was presented to me by the office of the Clerk in answer to a question of mine which appeared in *Hansard* some time in 1959. I asked the number of Indians, by province, enfranchised for each of the years since 1951. For 1958 the number shown here is 394.

Mr. BROWN: You say 394?

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would it be agreeable to have Mr. Brown clarify that and put it on the record?

Mr. HOWARD: Oh, certainly. I was just wondering about this. It could very easily have been a typographical error or the correct number could have been inadvertently left out. I wonder if it adds up to 394? Yes, the total of the figures comes to that.

Mr. BROWN: I cannot offer any explanation for the discrepancy between the list you have and the list in front of me.

Mr. HOWARD: I am afraid I cannot give you offhand the page of *Hansard* and the date, but it is stamped by the office of the Clerk as of April 24, 1959.

Mr. CHARLTON: Is that for the fiscal year or the calendar year?

Mr. HOWARD: I asked precisely the same question, which was answered on May 10. I got it for the fiscal year 1959-1960, 1960-61, but this answer does not indicate whether it is the calendar or the fiscal year. That may be the answer, that this number was not presented to the governor in council, but the applications may have been presented in January, February and March.

Mr. BROWN: In that year there were no Indian women enfranchised, nor Indian offspring enfranchised by virtue of their mothers marrying non-Indians, but in the following year there appears to be rather a big total.

Mr. HOWARD: That may be the answer to it.

Mr. CHARLTON: In view of the difference, it might be well to have that sheet included in the report today.

Mr. BROWN: The table in front of me is the table which appeared in the review of activities over a ten-year period, with three years added to it in order to bring it up to date.

Mr. HOWARD: I wonder if you could tell us what you cover in these statistics?

Mr. BROWN: We covered from 1948 to 1958 the adult Indians enfranchised upon application, together with their minor unmarried children, and the Indian women enfranchised following marriage to non-Indians together with their minor unmarried children, and in the last column we give the total number of Indians enfranchised in all classes.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would it be your wish to have that table included in the record?

Mr. CHARLTON: I think it might be a good idea.

Mr. BROWN: This brings it up to the end of the present year.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Is it agreeable to the committee to have it incorporated in our record at this point?

Mr. BROWN: Agreed. The table reads as follows:

Year	Adult Indians enfranchised upon application together with their minor unmarried children		Indian women enfranchised following marriage to non-Indians together with their minor unmarried children		Total Number of Indians enfranchised
	Adults	Children	Women	Children	
1948-49.....	252	234	—	—	486
1949-50.....	159	111	—	—	270
1950-51.....	217	175	—	—	392
1951-52.....	284	261	53	17	615
1952-53.....	298	175	180	69	722
1953-54.....	248	218	237	85	788
1954-55.....	222	174	262	102	760
1955-56.....	192	130	337	97	756
1956-57.....	192	145	389	113	839
1957-58.....	169	149	305	50	673
1958-59.....	138	52	612	—	802
1959-60.....	221	248	433	221	1,123
1960-61.....	125	70	592	107	954
	2,717	2,142	3,400	921	9,180

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions?

Mr. CHARLTON: On page 2, in the second paragraph, the figures would indicate that they include married women when the screening board considered 151 applications for enfranchisement.

Mr. BROWN: That is right. I was referring to applications appearing before the screening board.

Mr. CHARLTON: And the married women would not appear before the screening board? It would be automatic in their case?

Mr. BROWN: It would be automatic.

Mr. HOWARD: May I ask whether married women may be enfranchised following their marriage? Have there been any instances to your knowledge where women married to non-Indians were not enfranchised?

Mr. BROWN: I expect there are quite a number, simply because we do not know of them. An Indian girl may be away in the United States and get married, but until she reports her marriage and the information gets back to the reserve so that there may be a change made in the Indian register, we do not know anything about her marriage. Once the marriage comes to our attention we suggest that she complete the form which we call a statement of marriage to a non-Indian, which provides the particulars we need in order to enfranchise her. This includes the date of her marriage, the name of the man she married and the place, together with some verification of the marriage. In other words, our superintendent or field official must be shown some definite proof of the marriage in the form of a copy of the marriage certificate, or he must go and examine the church records or some document giving evidence that the marriage did take place. We learned our lesson the hard way a few years ago when in a couple of cases people reported they were married, but it turned out that they were not.

Mr. HOWARD: Would she then automatically be enfranchised?

Mr. BROWN: If it comes to our notice, yes.

Senator MACDONALD: I do not know if I understood the last part of Mr. Howard's question. During the fiscal year, 592 Indian women were enfranchised following their marriages to non-Indians. Involved in these cases

were 372 children, of whom 167 were enfranchised and 205 were not enfranchised. What is the meaning of that?

Mr. BROWN: In order to explain it, I must go back to the 1951 act, wherein it was provided that the wording of subsection 2 of section 108 was such that an Indian girl who married a non-Indian, and who had one or more children before her marriage—these children had to be enfranchised with her, and there was no option. It came to our attention—we found out after 1956 that there were far more of these children than we ever anticipated. We also discovered very quickly after 1951 that in a large percentage of these cases the Indian girls were not looking after their children. They were off the reserve, perhaps in Toronto, Winnipeg or some other place, and they had left the children with their grandmothers or with friends or relatives on the reserve. So what we were doing was to enfranchise children who had been brought up on the reserve. Theoretically, at least, they would have to be taken off the reserve.

By 1956 it posed such a problem that there was an amendment made to the act to give some discretion in these situations, and the practice since 1956 has been to investigate the circumstances of each of these children. If the child is with its mother, let us say in Toronto, or Buffalo, and off the reserve, or being brought up in a foster home, it is recommended for enfranchisement with its mother. If it is not with the mother, and if it is on the reserve, then nothing is done. It is not enfranchised. As long as it stays on the reserve it is not enfranchised.

Mr. CHARLTON: I have quite a different case in mind. Suppose an Indian girl has a child and subsequently marries. If this should happen during that period, for instance, would this explain it?

Mr. BROWN: This is a discretionary power which has existed since 1956.

Mr. CHARLTON: Since 1956; but previous to 1956 it was not a matter of automatic enfranchisement?

Mr. BROWN: Well, yes; if we knew about it and included the child, but we now have discretion.

Mr. CHARLTON: This child is now 11 years old and the grandparents are very fearful of it having to be enfranchised.

Mr. BROWN: I would prefer not to comment about individual cases without knowing all the circumstances.

Mr. CHARLTON: Generally speaking, though, it is just since 1956 that you have been given a choice, as it were, to say whether they should be enfranchised or not?

Mr. BROWN: That is right. Legally we now have that discretion. Before 1956 there was considerable doubt that we had it, so we recommended that it be put in the act, and parliament did put it in.

Senator SMITH: I would like to be clear as to the status of Indian youngsters prior to 1956 when this discretion was given to review these cases. At that time did that change in any way the status of these youngsters if, during the period of years they were enfranchised, they were still on the reserve?

Mr. BROWN: It applied only during the period 1951 to 1956. There was nothing in the Indian Act prior to 1951 which provided for that type of enfranchisement.

Senator SMITH: But it did not change the status of those who had been enfranchised automatically during that five-year period?

Mr. BROWN: Oh no.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Gentlemen, it is necessary now for us to adjourn. We shall meet tomorrow at 2.30 in the afternoon in room 176-F, when the Minister of National Health and Welfare will be the main witness, and following him we will hear from Dr. Moore in connection with the Indian health branch. This is a pre-arranged meeting, and we shall meet at 2.30 o'clock tomorrow in room 176-F.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

WEDNESDAY, MAY 24, 1961

THURSDAY, MAY 25, 1961

WITNESSES:

The Honourable Waldo Monteith, Minister of National Health and Welfare; Dr. P. E. Moore, Director of Indian and Northern Health Services. *From the Indian Affairs Branch:* Mr. L. L. Brown, Special Assistant to the Director; and Mr. H. M. Jones, Director.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961



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Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
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Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. J. A. Charlton,	Mr. J. N. Ormiston,
Mr. F. J. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas,
Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. J. Wratten—24.
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, May 24, 1961.

(27)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 2.45 p.m. this day.

Present:

The Senate: Honourable Senators Inman, MacDonald, Stambaugh—(3).

The House of Commons: Miss LaMarsh, and Messrs. Barrington, Charlton, Fane, Gundlock, Henderson, Howard, Stefanson—(8).

In attendance: Honourable Waldo Monteith, Minister of National Health and Welfare; Dr. P. E. Moore, Director of Indian and Northern Health Services; Dr. H. A. Proctor and Mr. W. B. Brittain, Associate Directors of Indian and Northern Health Services. *From the Indian Affairs Branch:* Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairmen were unavoidably absent.

On motion of Mr. Stefanson, seconded by Mr. Fane,

Resolved,—That Mr. Gundlock do take the Chair of this Committee as Acting Joint Chairman for today's sitting.

Mr. Gundlock took the Chair and then welcomed Mr. Monteith, who read a brief dealing with Indian and Northern Health Services and outlining the present programs; the Minister and Dr. Moore were questioned thereon and then permitted to retire.

Agreed,—That the copy of the judgment in the Louis Prosper case be taken as read and included in this day's evidence.

Mr. Brown was recalled and the Committee resumed the consideration of the brief on enfranchisement of Indians read into the record at yesterday's sitting; Mr. Brown was further questioned and the Committee concluded its consideration of this submission.

Mr. Brown then read a brief dealing with The British Columbia Indian Land Question.

The questioning being deferred until the next sitting, at 4.30 p.m., the Committee adjourned until 9.30 a.m. Thursday, May 25th.

M. Slack,
Clerk of the Committee.

THURSDAY, May 25, 1961.

(28)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day.

Present:

The Senate: Honourable Senators Horner, Inman, MacDonald, Smith (Kamloops), Stambaugh—(5).

The House of Commons: Messrs. Barrington, Charlton, Gundlock, Henderson, Howard, Small, Stefanson—(7)

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairmen were unavoidably absent.

On motion of Mr. Stefanson, seconded by Mr. Small,

Resolved,—That Mr. Gundlock do take the Chair of this Committee as Acting Joint Chairman for today's sitting.

Mr. Gundlock took the Chair and then called Messrs. Jones and Brown who supplied answers to questions raised at the May 23 and May 24 sittings.

The Committee resumed consideration of the brief presented by Mr. Brown at yesterday's sitting in connection with The British Columbia Indian Land Question, and Mr. Brown was questioned thereon, assisted by Mr. Jones.

The questioning of Mr. Brown being completed, at 10.15 a.m., the Committee adjourned until 9.30 a.m. Tuesday, May 30.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 24, 1961.

The CLERK: Order, gentlemen. In the unavoidable absence of the joint chairmen may I have a motion to appoint an acting joint chairman for today's sitting?

Mr. STEFANSON: I move that Mr. Gundlock be acting joint chairman.

Mr. FANE: I second the motion.

The CLERK: It has been moved by Mr. Stefanson and seconded by Mr. Fane that Mr. Gundlock be acting joint chairman. Is it agreed?

Motion agreed to.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Thank you. Now, ladies and gentlemen, it is our privilege today to have with us the hon. J. W. Monteith, Minister of National Health and Welfare. He has a statement to present, following which he will be available to answer questions on policy. Any technical questions after that will be answered by Dr. P. E. Moore, Director of Indian and Northern Health Services. No Mr. Monteith.

The Hon. J. W. MONTEITH (*Minister of National Health and Welfare*): Ladies and gentlemen: might I just say at the outset that I presume you have the brief that we are presenting. I am sorry that there are other commitments this afternoon which will require my presence elsewhere, but I would be happy, following the presentation of this brief, to answer any questions which may be asked of me. Dr. Moore, the director of the Indian and northern health services branch is here, and he will be very happy to go into the details of any technical questions, and that sort of thing.

I appreciate the opportunity to make a brief statement concerning the task undertaken by my department in providing health services to Indians and Eskimos, mainly through Indian and Northern Health Services, and to outline the present programs. My officers, especially Dr. Moore, will be in the best position to enlarge on any points which interest you further.

The People—As you have heard from others, the registered Indian population approaches 200,000. We are concerned also with the 11,000 Eskimos and the 15,000 residents of the Yukon Territory and the Northwest Territories who are not of Indian or Eskimo status.

Let me record immediately that in my opinion these people are Canadian citizens who differ from other Canadians only in being closer to the frontier culture which the remainder has passed through only recently or are still in a transitional stage. The average age is low—half the Indian Canadian population being under twenty years of age—the health challenges therefore lie mostly among the relatively young. Otherwise we are dealing with normal aggressive unsophisticated people with the same hungers, the same need for attention and the same mildly rebellious attitudes that characterize youth. We in this country are in a most favourable position to understand the needs and attitudes of a young people and we are in position to have great confidence in our forecast of the pattern that will evolve because we are so close to the evolutionary process ourselves.

In meeting the challenges, two programs operate side by side. One is the public health program which by custom has been supported mainly with public

funds supplied by government at the three levels. The other is the treatment program which again by custom on this continent has been largely provided through arrangements made between the individual or the family and the treatment agency be that a professional person or a hospital.

The Public Health Service—Under public health are grouped those activities which are important for the well-being of groups of people rather than individuals although the individual is still the essential ingredient. You will readily agree that such things as community water supply, sanitary disposal, an environment free of common health hazards and such protective procedures as have proved to be effective against the spread of communicable diseases are of concern to all.

In pursuing common public health practices, Indian and northern health services has developed an extensive network of units about which the activities of skilled nurses may revolve. The nurses carry out programs designed by the Directorate for the particular area. They are assisted and supervised by qualified medical and nursing officers. The greatest emphasis is placed on the health of the expectant mother and her children in the confident anticipation that a good start in life is the best possible investment. The community nurses augment their activities by encouraging participation of the community through health committees which are the germs of future boards of health. We are working towards a task force of Indian and Eskimo health workers who will promote good environmental health habits among their own people.

The Treatment Program will be more obvious to you because it involves tangibles with which everyone is familiar. Injury from accidents is particularly common both because of the very active lives pursued by the majority and possibly the overconfident attitude of these youthful peoples. They suffer the usual variety of diseases in much the same fashion as any young population might. We would anticipate that as the average age rises the illnesses common to older age groups will increase. You do know that there has been a lot of tuberculosis. But tuberculosis is a disease of the socially less fortunate. As social circumstances improves, this disease recedes. Its retreat can be hastened by vigorous aggressive case finding and treatment programs taking advantage of every advance in techniques and medicines. I believe that my department's record in pursuing this disease is one of which we can be justifiably proud with a reduction of the death rate in the past fifteen years from 570 to 28 per 100,000 of the population. This means that today the death rate among the Indians is better than it was for the whole population at the end of World War 2. This is no excuse for complacency, especially as the death rate is merely an end statistic and does not give a true picture of the actual amount of illness in the population. We are aware that the incidence of tuberculosis is alarmingly high and bend every effort, along with our associates in all the provinces, to keep up a vigorous attack.

A very close association is maintained with provincial health resources. Duplication is carefully avoided. Wherever the department has a unit, you can feel sure that at the time it was built there was no practical alternative. We are actively working with officials of several provinces and communities with a view to having the functions of departmental treatment units absorbed by local agencies. You are aware of course that Indians and Eskimos are covered under equal terms and conditions in the provincial and territorial hospital insurance plans.

I mentioned earlier and I am sure you agree, that the pattern on this continent has been to expect the individual and his family to make every reasonable effort to deal with those ills which are peculiar to the individual rather than community problems. The Indian has not been an exception to this pattern. From the beginning of public interest in Indians those groups which had

resources were asked to use some part of those resources to pay for medical care. The social structure of the Indian as you well know was based on a band concept rather than the family and it was usually from funds held for the common benefit of the band that medical care was paid. There are still some bands which have maintained this pattern consistently. Others have had to diminish and withdraw their contributions but at present there is a reversal of this trend and today in Ontario for example four bands contribute substantially to prepaid medical care insurance. Others are about to embark in this direction as soon as arrangements with the insuring agency are completed. I certainly believe that this attitude should be commended as should the efforts of an incalculable number who deal with their problems without any agency being aware.

Relationships—Our relationship with provincial and community agencies in the fields of public health, hospital and medical care are aimed at removing any distinction in health care between Indian and non-Indian or Eskimo and non-Eskimo. We are able to be even more active in the northern territories through agreements with the territorial authorities to serve as their department of health in the interval until self-sufficiency is warranted. Here, under the name northern health service, programs which minimize ethnic considerations have opportunities to reach the desired goal even more rapidly than in some southern areas. In addition to our relationship with the territorial councils and the department of northern affairs and national resources, the directorate of Indian and northern health services assists the Department of Transport, the Royal Canadian Mounted Police and provides mutual support with the Department of National Defence medical facilities in the north. Behind the directorate are the full advisory and technical resources of my department.

Attitudes of the People—I have mentioned that in the Indians and Eskimos we are dealing with a young population. Their average age is possibly under twenty whereas the average for Canada is about thirty. I have mentioned that this means not only young in years but young in attitude—confident, maybe somewhat improvident and given to criticism or occasionally openly rebellious. These characteristics are to be accepted and worked with rather than resented, for they are characteristics which have made our frontier firm and vigorous. Add to this youthful attitude the complexity provided by waves of a culture far removed from that of the European settler and you have a mixture for which a taste must develop. It is not remarkable that recruitment of competent staff is quite difficult and the long retention of any but the most understanding too much to expect. Not infrequently the reserve Indian is very demanding and quick to complain. Many dedicated professional people are worn down by unpleasant incidents but those who can absorb the experience arrive at a balance of mutual respect and confidence which is the foundation upon which progress can be built.

I know of the complaints which have been brought before you. You can be assured that each is looked at carefully and not with a view to exonerating my staff. There are, however, almost invariably two sides to any story and frequently there is evidence of demanding beyond what is reasonable under the circumstances.

Recommendation—I have attempted to refrain from disputing the responsibility of the federal government for the medical care of Indians and Eskimos. You are as familiar as I with what has been set down in Treaties and the variety of interpretations put upon the few words which do appear. I feel obliged to respect the opinion of the Department of Justice which ends with the words "I do not believe that the Treaty (Treaty 6) vests in the Indians covered by it a legal right to be furnished with free medical services". Irrespective of what may be written or said, there is not now nor do I believe there has been for a long time, any evidence that an Indian or Eskimo has been deprived of essential

medical or hospital care because his personal resources were inadequate. There is room for a difference of opinion as to what is essential medical care and as to what are adequate or inadequate resources, but I maintain strongly the opinion that reasonable officials have observed the principle that humane considerations are a moral obligation.

Even as I respect the opinion of the Department of Justice on the one hand, I feel bound to respect another dictum. "The Cabinet re-affirms the policy that Indians and Eskimos, able to do so, pay the cost of medical services provided to them and, where applicable, the amount of hospital insurance premiums." I believe that this is entirely consistent with our social system and that so long as there is provision against hardship, the way would appear to be open for the development of self-reliance by the Indian.

In summary I would remind you that since my department became involved in the medical care of Indians and Eskimos on 1 November 1945 the numbers with which we are concerned have increased from 130,000 Indians to almost 200,000 (54 per cent) and from 7,700 Eskimos to over 11,300 (47 per cent). In this interval, the appropriation for their health purposes has increased from about two and a half million to about twenty-five million. The staff of the directorate has increased from about 500 to over 2,500 including positions for 115 medical officers, 28 dental officers, 661 nurses and 35 administrative officers. Last year 320 positions were filled by registered Indians and 10 by Eskimos. We have developed a network of over 150 units which range from a 500 bed hospital to a lone public health nurse. It extends from Cape Breton to the Queen Charlotte Islands and from Walpole Island to the high Arctic. I believe that our indigenous people have had one of the best health programs carried on under some of the most arduous conditions to be found anywhere.

Thank you very much.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Thank you, Mr. Minister. As was stated before, the minister has another appointment at 3 o'clock. It would be appreciated if any questions which are to be asked of the minister would be on a general nature and the technical questions will be answered by Dr. Moore, the director of Indian and northern health services.

Miss LaMARSH: Is there any mental health program in respect of these people, or is there any necessity for it?

Dr. P. E. MOORE (*Director of Indian and Northern Health Services, Department of National Health and Welfare*): Only that we use the consultant in the department. We have not had a separate mental health program as such, although our field people constantly are working along the general direction where these difficulties exist in trying to train people in their homes. Of course, when mental illness develops, it is handled the same as in the case of any other Canadian.

Miss LaMARSH: Would you say that the condition of mental health amongst these relatively primitive people is higher or lower than it would be among the other peoples of Canada?

Dr. MOORE: From the statistics we have I would say they are about on a par. Particularly amongst the Eskimos the situation has occurred that they do become emotionally disturbed, but they are very often quickly restored on reassurance and through mental therapy. We do use existing facilities rather than set up our own.

Miss LaMARSH: I notice the minister several times made reference in his brief to the comparative youth of these people. I understand there is, or was, an Eskimo custom of sending the older people out on the ice to die. I read this a number of places and I accept it as such. Is this still carried on by the Eskimos? I assume the department would not foster such a thing.

Mr. MONTEITH (*Perth*): Thank you.

Miss LaMARSH: Is it still carried on?

Dr. MOORE: I think the practice of matricide or patricide was in existence before the Eskimo knew that he would get help and assistance; but I think it has entirely disappeared. It is quite a long time since cases have come to the attention of the police. There was one back at Eskimo Point some time ago where a mother was supposed to have buried her children in the snow because she did not think they could survive. That is the most recent case of which I have heard.

Miss LaMARSH: Apparently there are very few oldsters among them. Is it because of the fact that the rigours of their life are so severe that they do not survive.

Dr. MOORE: I think so. However, surveys show that if they do survive, then you find some very old people. There was the case of the high incidence of tuberculosis which we have just succeeded in getting under pretty good control. It was a killer between the ages of fifteen and forty. Now we find more cases in the older people, and it is the same in respect of the white population.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): The minister is here and is prepared to answer questions on general policy. Dr. Moore will be here all afternoon.

Miss LaMARSH: I am directing these questions to the minister.

Mr. MONTEITH (*Perth*): Might I suggest with all respect, Miss LaMarsh, that if there are any questions as to the policy of the department I would be very happy to try to answer them. It might include such questions as whether or not we are doing enough, and that sort of thing.

Miss LaMARSH: There is one question arising from this matter of fraternization with Eskimos. Does your department have anything to do with the suggestion that social and other diseases might be more easily communicated to the Eskimo person through fraternization.

Mr. MONTEITH (*Perth*): May I tell you about something which happened when I was new on the job as minister. I spent a good deal of time reading in order to try to get acquainted with the department. A log came to my desk from a group of doctors. It was a survey team in the Arctic west of Hudson's Bay but east of Tuktoyaktuk. I was very interested in this log, because it stated simply and factually the findings of this survey team of doctors and a pilot who assisted them by doing such things as holding the x-ray machines upon occasion. One thing which was mentioned struck me and attracted my attention. It was the fact that this survey team, after some difficulty, found a settlement of Eskimos in an area known as Back's river in this particular area within a few hundred miles from the western coast of Hudson's Bay which had practically never ever been visited by white men. The survey team reported finding the health of the Eskimos in this area higher than any others in their whole survey. This made quite an impression upon my thinking. Just what it meant, I would not care to say; but it would appear to indicate that where Eskimos have been living on their own and completely dissociated from the white men they are probably not as addicted to disease, particularly the white man's disease.

Miss LaMARSH: I take it then your answer indicates that the department did have something to do with the segregation policy for this reason?

Mr. MONTEITH (*Perth*): Certainly not to my knowledge.

Dr. MOORE: Mr. Chairman, I represent the deputy minister on the advisory committee on northern development. This was an employment policy that was decided upon in the early days of the construction of the D.E.W. line when

large construction crews were going into the far Arctic in areas where there were very primitive Eskimos. I am sure that the policy never officially had the concurrence of the Canadian government so far as the Mid-Canada or Pinetree lines were concerned. This was a condition imposed purely by the company which employed the individuals.

Miss LaMARSH: At whose suggestion?

Dr. MOORE: I think at the suggestion of their own officials. The advisory committee on northern development in the early days of construction had recommended this policy in respect of the D.E.W. line in the high Arctic.

Miss LaMARSH: Was the concern mainly in respect of social diseases?

Dr. MOORE: It was more or less to protect the unsophisticated young Eskimo girls from joining up with these lads who would be in there just for a short stay and then would be gone.

Miss LAMARSH: You do not say that this is one of the reasons for the increase in the Eskimo population recently.

Mr. HOWARD: As I understand at the moment an Indian who lives off the reserve for a continuous period of twelve months is then not covered by the Indian and northern health services facilities. I wonder if this could be explained. I am wondering why there is this arbitrary period of twelve months.

Mr. MONTEITH (*Perth*): I would say that this is taken as a rule of thumb. There is no set rule. No Indian is going to suffer from lack of medical treatment or hospitalization because of destitution. In Ontario, for example, there are a lot of excellent steel riggers working for large companies who automatically have hospital insurance deducted, as do any others working for a concern with more than fifteen employees in the province of Ontario. I feel that once they have established residence off the reserve in the municipality they should be the responsibility of the municipality. However, we still maintain that no Eskimo or Indian is going to suffer because of complete destitution.

Mr. HOWARD: Then there is no twelve months rule?

Mr. MONTEITH (*Perth*): There is a rule of thumb. It is not adhered to 100 per cent by any one.

Mr. HOWARD: Is the rule of thumb considered to be twelve months?

Mr. MONTEITH (*Perth*): I would think that is a fair statement, but it is not a hard and fast rule. It is simply a rule of thumb that this is a criterion by which we try to work, with the variance of course that we will not see any Indian suffer from destitution.

Mr. HOWARD: Where did the twelve months period come from? Had it been some other period?

Mr. MONTEITH (*Perth*): I am not sure of the situation in respect of the other provinces, but my recollection is that in Ontario, once a resident has been a resident of a municipality for twelve months then he is considered to be the responsibility of that municipality for assistance purposes.

Mr. HOWARD: Where did you get the twelve months rule of thumb? At what time did it come into effect?

Mr. MONTEITH (*Perth*): I would think it has been there for some little time.

Dr. MOORE: This dates back to the 1930's in the depression days. At that time, both for purposes of relief and medical care, there was an eighteen months rule adopted by agreement with some provincial welfare organizations; and later, I believe around 1945, the twelve months period had become pretty well accepted by provincial welfare agencies and by municipalities. At that time the Indian affairs branch adopted the same policy so far as relief is concerned. If

an Indian living in a municipality had lived there some time and required relief, the policy was that the municipality would supply the relief. We followed that in setting this twelve months residence clause.

Senator MACDONALD: I do not know to whom I should direct this question but I am interested in this statement in the brief which says:

We are concerned also with the 11,000 Eskimos and the 15,000 residents of the Yukon Territory and the Northwest Territory who are not of Indian or Eskimo status.

What status would they have?

Mr. MONTEITH (*Perth*): I understand this is the Metis and the white population as well. We operate, for instance, a hospital at Whitehorse and another one at Inuvik, and while these are operated by the Indian and northern health services of the Department of National Health and Welfare they do take in local residents. We do have a hospitalization scheme in both the Yukon and the Northwest Territories now. In other words all of Canada is covered.

Dr. MOORE: Mr. Chairman, to clarify the point, by agreement with the Northwest Territories council we are acting as their department of health in the sparsely settled regions where it is impossible, except at a town like Yellowknife, to maintain doctors. Therefore, we are the only people who have medical facilities, and we do not withhold them from the other inhabitants of the territories.

Miss LAMARSH: I was interested in one remark on page 5 about the opinion of the Department of Justice. There was a brief presented by a band, I think from Manitoba, which had been prepared by a firm of solicitors. In that brief there was reference to a decision I think of either the Supreme Court of Canada or the appellate division of one of the provincial courts. This decision was to the effect that the phraseology in most of the treaties about keeping a medicine chest was in fact at the present time intended to mean that all medical services be provided free. This, of course is the position taken by most of the Indians who have appeared before this committee. I wonder if the minister can tell us whether or not that decision was considered in the opinion by the deputy attorney general, and if so why they disregarded that opinion.

Mr. MONTEITH (*Perth*): I think possibly at this time I might read the letter from the deputy attorney general into the record. This is addressed to the deputy minister of Citizenship and Immigration and is dated December 19, 1958:

You have requested my opinion as to whether there is a legal obligation on the part of Her Majesty the Queen in right of Canada to assume the cost of medical services, including the cost of participating in provincial hospital insurance schemes, on behalf of Indians. So far as I have been able to ascertain, there is no such obligation.

I understand it has been suggested that this obligation might arise by virtue of treaties entered into with Indians. In this connection the information supplied by the director of the Indian affairs branch is that the only treaty which makes reference to providing medical services of any kind is treaty 6 which was entered into in 1876 with Indians inhabiting a large tract of land in what is now the central portion of the provinces of Saskatchewan and Alberta. This treaty provides:

That a medical chest shall be kept at the house of each Indian agent for the use and benefit of the Indians at the direction of such agent.

Regardless of how broad an interpretation might be placed on these words, I do not believe that the treaty vests in the Indians covered by it a legal right to be furnished with free medical services.

Despite that, as I have mentioned earlier, we have assumed and undertaken to provide services where it has been indicated that these cannot be provided by the Indian himself.

Miss LAMARSH: I wonder whether anyone knows if this decision was before or after the letter from the deputy attorney general.

Mr. JONES: I think you are referring to the Mistawasis case.

Dr. MOORE: This opinion was given many years after this judgment was handed down. I think this was a judgment of Mr. Justice Angers. The question involved was not free medical service; it was in respect of certain drugs which had been purchased and paid for from band funds. His judgment was that in terms of the treaty the drugs which were purchased from band funds without the consent of the band should not have been paid for by band funds and that this treaty put an obligation on the crown. His judgment was to the effect that the band funds should be restored by the crown to the amount of the drugs purchased.

Miss LAMARSH: An excerpt from the judgment stated that the matter had to be considered in the light of modern day conditions. If that is the only decision, I would assume that the crown is bound by it the same as anybody else. In the light of that, I cannot understand the decision of the deputy attorney general.

Dr. MOORE: There was a judgment handed down in Saskatchewan in the case of an Indian by the name of Louis Prosper who was in a highway accident. Insurance was involved. We paid bills amounting to over \$6,000 for rehabilitating this Indian. His medical, hospital care and rehabilitation were included. The insurance company and the lawyer representing Prosper maintained to his Lordship that because he was entitled to his expenses and free hospitalization that these costs should not be part of the judgment. His Lordship ruled otherwise and we were refunded the \$6,000 odd which had been spent from our fund. This money was returned to the receiver general as a result of the judgment.

Miss LAMARSH: That is not pertinent, surely.

Dr. MOORE: I think it is. All these arguments had been brought up at that time, and His Lordship ruled that the Indian under the law was not entitled to free medical care at the expense of the crown.

Miss LAMARSH: I wonder if we might have that citation. In any event, the position of the minister and the cabinet is quite clear. That is the position that was taken.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Might I say that the minister has another appointment, and may I, on behalf of the committee, thank him?

Mr. MONTEITH (*Perth*): If there are any other questions on policy I shall be very happy to try to answer them.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions relating to policy only that you wish to ask while the minister is still here? If not, then may I on behalf of the committee, thank him for attending our meeting.

Mr. MONTEITH (*Perth*): Thank you very much, Mr. Chairman, and ladies and gentlemen.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Miss LaMarsh? Do you want the judgment, shall we say?

Miss LAMARSH: I would like to have the citation so that I may read the case for myself. I want just the citation.

Dr. H. A. PROCTER (*Associate Director of the Indian and Northern Health Services*): A copy of the judgment in the Louis Prosper case was provided to the committee about two months ago.

Dr. MOORE: That is right, Miss LaMarsh.

Miss LAMARSH: I did not know that. Would it not be quite easy for your department to provide the citation?

Mr. CHARLTON: If it is already on the record, there would be no reason to do it.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): I have been advised that we have been supplied with the judgment. But actually, it is not on the record. Is it your wish, Miss LaMarsh, to have it placed officially on the record of the committee? Is it agreed?

Agreed.

Miss LAMARSH: I think it should be on the record not only for the benefit of the members of the committee, but also for the benefit of members of the public who may at some time be reading our report.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): It has been agreed.

Dr. MOORE: The document reads as follows:

IN THE QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE OF HUMBOLDT

BETWEEN:

LOUIS PROSPER,
of the District of Bellevue, in the
Province of Saskatchewan,

PLAINTIFF,

—and—

PETER BECKMAN,
of Dana, in the Province of
Saskatchewan, Farmer,

DEFENDANT.

James Sanderson, Counsel for the Plaintiff:

JUDGMENT—Stewart McKercher, J.Q.B.

This is an ex parte application to assess damages under Rule 118, made on January 23rd, 1959 at Prince Albert, Saskatchewan, leave to file affidavit of P. E. Moore sworn 23rd of February, 1959 and reargued on February 25th, 1959.

1. The special damages, according to the material, were proved at \$5,315.82. I affix the special damages, therefore at \$5,315.82.

2. I direct that the special damages be paid to Messrs. Fraser, Evasiuk & Sanderson, solicitors for the plaintiff herein, as trustee, for payment to those entitled to the said special damages.

3. I assess the general damages for injury to the person of the plaintiff, including pain and suffering and shock, for time spent in hospital, and undergoing various operations as proved in the material herein, and I have taken into consideration in this assessment the loss of time and earnings of the plaintiff as a labourer while incapacitated. The plaintiff made a good recovery and now suffers no disability from said injury, and the general damages are fixed at \$4,500.00.

4. The plaintiff will, therefore, have judgment against the defendant for \$9,815.82 and costs.

DATED this 26th day of February, A.D. 1959.

"STEWART MCKERCHER"
J.Q.B.

Mr. HOWARD: Could we not have it included alongside the remarks of Dr. Moore, when he made reference to it but did not give the exact citation? Then it would be read along with his own remarks.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): It is being put into the record as read.

Mr. CHARLTON: At this point in the record?

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Yes.

Miss LAMARSH: I would like the proper name of the case and where it can be found.

Dr. MOORE: That would be quite easy to provide.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Is it your wish to pursue the brief page by page?

Mr. HOWARD: I do not think it is necessary to take it up page by page.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Or whichever way you wish.

Mr. HOWARD: My remarks would come under page two.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Very well, Mr. Howard.

Mr. HOWARD: My question has to do with the incidence of tuberculosis. On page three you state that in the past 15 years from 570 to 28 per 100,000 of the population, and you also say that in the last 15 years the death rate has declined from 570 per 100,000 to 28 per 100,000. How does the figure 28 per 100,000 compare with the incidence of tuberculosis among non-Indians?

Dr. MOORE: The death rate now for Canada is about six per 100,000—that is, it might be six or seven, or some place in that vicinity. I should know it because I am President of the Canadian tuberculosis association.

Mr. HOWARD: Is streptomycin the main drug used in such cases?

Dr. MOORE: There are three drugs in use, streptomycin, I.N.H. and P.A.S.

Mr. HOWARD: Without getting involved in nomenclature, used by the trade, might I say that I have read articles and comments to the effect that tubercular germs according to the experts are becoming immune, as it were, to these antibiotics that you mentioned. Is that so?

Dr. MOORE: That is quite true, and that is why a combination of these drugs is used. Single drug therapy will be effective only for a short period, then the germ begins to develop resistance. PAS is chiefly used, to deter the resistance occurring.

Miss LAMARSH: Are these cases flown out to hospitals such as the one at Hamilton?

Dr. MOORE: We decided on Hamilton because it had the beds and excellent arrangements available to bring the Eskimo there from the eastern Arctic. They have to go out by air anyway, and it does not matter just where they go. And there are such excellent arrangements at Hamilton. You see, in order to maintain a sanatorium, you need a specialized staff, and it has to be a good sized institution. Most of our institutions are either provincial, or places like the Charles Camsell hospital in Edmonton.

Miss LAMARSH: That has 500 beds, has it not?

Dr. MOORE: Yes.

Mr. HOWARD: Returning to the use of the PAS drug, this, I gather, overcomes the resistance built up by the tubercular germ against other types of drugs.

Dr. MOORE: Not all together, but it seems to help. You may still find a patient who becomes resistant to these three drugs. And then there is a whole series of other drugs which are much more toxic, and which are used only in

an extremity, when the patient will not respond to surgery or anything. That is when you try some of these other drugs, of which there must be some 25.

Mr. HOWARD: How long do you think it will be before the death rate as between Indians and non-Indians becomes in balance, or equal?

Dr. MOORE: I think before it becomes equal we will have to have equal living conditions. As long as there are poor living conditions we will have high infant mortality, with a proportionately higher rate of tuberculosis. We are keeping up an intensive survey and trying to keep in step with the latest developments of any program in the world on tuberculosis control. For instance, we have used BCG, which is a vaccine used against tuberculosis; it does not offer the protection that is offered by the vaccine used against smallpox. It does lower incidence of disease. Sometimes the better way to fight tuberculosis is to take tuberculin tests, skin tests immediately, and when you find that they have an infection, even before they develop the disease, we treat them with the therapy drugs I mentioned. This is particularly applicable to young children.

Mr. HOWARD: At one time the Indian was reluctant to go into a hospital if he had tuberculosis, but I understand this reluctance has decreased.

Dr. MOORE: It is not a factor to any extent. The only reason that reluctance existed in the first place was that only cases which had come to the point of extremis were taken to hospital, and the Indian got the idea that if he were taken away, he would be taken away to die. But once we started to return healthy people back to their homes, the Indian began to ask to be sent. We have now convinced them that this disease is curable.

Miss LAMARSH: What do you do in the case of mentally retarded Eskimo children?

Dr. MOORE: There has not been enough education up until the last two or three years to know whether a child is retarded or not. He just did not get to school. But now that they are being brought into schools, we have an agreement with the province of Alberta to set aside 25 beds at Red Deer. They give us a quota for the Northwest Territories. That is the part which will focus down to Edmonton. These people are brought in to the Charles Camsell hospital, where they are examined by provincial psychiatrists, and if they need further treatment they are sent to Red Deer. We are trying to work out an arrangement for the eastern Arctic, and we have one or two children at the present time in an institution that recently was mentioned in the press because of an epidemic of measles; it is the Cecil Butters Institute. You may have read about it in the press. I think they had some deaths there because of measles.

Miss LAMARSH: What is the institution at Red Deer?

Dr. MOORE: It is a provincial training school, something like the one at Smiths Falls.

Miss LAMARSH: What do you do in the case of Indian children?

Dr. MOORE: We bring them to the attention of the provincial authorities and to try to get them into various provincial institutions. We have Indian children at Orillia, Smiths Falls, and places like that, at the present time.

Miss LAMARSH: There is a long waiting list for most children, at least that is the case in my province. The federal government does not provide any sort of institution for these Indian people.

Dr. MOORE: I should say that we have received very fair treatment from the provinces. We have never found any discrimination in the matter of admitting Indian children. Probably we take our turn, but we sometimes gain admittance more rapidly when the home conditions are poor.

Miss LAMARSH: In Orillia there is a waiting list of two or three years now.

Dr. MOORE: There are two or three large institutions under construction at the present time. They have just taken over the sanatorium at Gravenhurst, to serve as an extension to Orillia; and there is another one being built at some place just west of Guelph or in that area. It is under construction now.

Miss LAMARSH: There was some reference to a five-fold increase in the staff of the director from 500 to 2500 of which about 800 might be considered as medical personnel, dental, and nursing.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): You will find that on page six.

Miss LAMARSH: I am told that it is 804. What is the rest of it?

Dr. MOORE: That would be for ancillary people around the hospital, and nursing stations. For instance it might be of interest to the committee to describe the type of service we have set up to cover the area from the Saskatchewan boundary to Hudson Bay. I shall describe a typical situation. We have a central hospital at Sioux Lookout. It is a 60 to 70 bed hospital. Then at certain other places such as Sandy Bay, Pikangikum Big Trout Lake, Lansdowne House, and so on, there are seven altogether, we have satellite nursing stations. These nursing stations are in communication by radio with the doctor and his staff. There are four doctors on the staff at Sioux Lookout hospital. The nurse at the nursing station will have with her what we classify as a ward aid, a woman companion, who does the housework and looks after the place while the nurse is out in the field visiting. Then there has to be a caretaker, because there is an electric plant to maintain there; and she has to have some means of transportation. Very often we have to employ three people besides the nurse, if she is going to be able to do effective work. Patients requiring evacuation are usually flown out. A similar type of plant exists at Norway House, and in the area circling James Bay. We have nursing stations right along the coast on each side of the bay from James Bay up to Hudson Bay, and these are maintained from the base hospital.

Miss LAMARSH: How many actual hospitals are maintained?

Dr. MOORE: Eighteen.

Miss LAMARSH: With how many beds?

Dr. MOORE: About 2200 beds.

Miss LAMARSH: This personnel of 2500 does not, I take it, include any reference to personnel engaged in looking after the Eskimos in a tuberculosis hospital?

Dr. MOORE: No, only in our own tuberculosis hospitals. We operate by and large by using provincial hospitals.

Miss LAMARSH: Some of them are tuberculosis hospitals?

Dr. MOORE: We operate three in British Columbia which are primarily tuberculosis hospitals. I refer to Prince Rupert, Miller Bay and Nanaimo on Vancouver Island.

Miss LAMARSH: Your work is in connection with the public health service, and there is a reference to that on another page. I take it that the nurses you refer to visit around, and cover a fairly wide area. They actually visit where the Eskimos live.

Dr. MOORE: We think the chief value of a public health nurse is for her to visit the Indian home where she can sit down and talk things over with the mother of that home, telling her to clean up the place, telling her how to care for and clothe the children properly, and advising her how to spend her food dollar to buy the type of food which she should buy. We think that the greatest accomplishment of these nurses lies in their home visiting. Now

it follows, when you come into an area where there is no other medical attention, such as in remote areas, the nurse has to do a lot of treatment. She has to pinch-hit for a doctor, and to carry out the advice which she receives over the radio. Consequently in these more remote nursing stations we put in two nurses.

Miss LAMARSH: You have 661 nurses looking after about a quarter of a million people in this way. And you said you had to provide transportation. What means of transportation do you use?

Dr. MOORE: In the settled areas we give the nurse a car. In some areas they use canoes in summertime and snowmobiles in winter. We often provide skiddos which are mechanized toboggans; and we use a terrific amount of air transportation. Our bill for air transportation runs over \$1 million a year.

Miss LAMARSH: What planes do you use?

Dr. MOORE: By treasury board order we are now forbidden to use R.C.M.P. planes, and it has been a long time since we were able to use air force planes. We are compelled to use commercial companies.

Miss LAMARSH: Do you do so under contract?

Dr. MOORE: It is done by charter, because if there is a long series of trips, such as the treaty trips, you would receive bids from more than one company, and you could plan it ahead. Then it is given out by tender. I have been going through the tenders, and very often Col. Jones and I examine those tenders together, then, in view of all the circumstances, we recommend the most suitable one, and if possible we choose whoever bids the lowest price when tendering for extensive flying. If there is an aircraft there, we use it and, if not, we send for one that can give the best service at the lowest price.

Mr. HOWARD: What was the objection to your using R.C.A.F. and R.C.M.P. aircraft?

Dr. MOORE: I am told it was to develop commercial aviation in the north.

The ACTING JOINT CHAIRMAN (Mr. Gundlock): Are there any other questions?

Miss LAMARSH: So this is a subsidy for commercial aviation in the north?

Mr. HOWARD: That is the only way free enterprise can operate in some circumstances.

Dr. MOORE: We had some publicity about a dental program in Hazelton some time ago, and I wonder could you indicate how the dental program is functioning in so far as regular visits to Indian villages are concerned?

Dr. MOORE: The big handicap is lack of dental personnel. We are supplied with sufficient positions on our establishment to increase annually our dental program, but we just cannot get the dentists. There is a shortage of dentists, even in the cities, and regardless of salaries there are not too many men who want to go out and work as itinerant dentists, going from place to place and setting up their own clinics, lacking the facilities they would otherwise have in their own offices.

Before the incident occurred at Hazelton we pressed that where dental clinics are being held in schools we would want to participate in them, but I cannot tell you what went off the tracks there and why we were not included in the ordinary school program. In such a program the community raises its share of the cost, and we pay the Indians' share on behalf of the Indian communities, in some instances.

Miss LAMARSH: Why? You do not have to.

Dr. MOORE: To get the children's teeth looked after. In some communities we know they would be included, and other communities would refuse to take part unless the department paid.

Miss LAMARSH: If one refuses then you would pay for all of them?

Dr. MOORE: We would try to get them included. Mr. Chairman, while we are on the subject of complaints, there were a number brought to the attention of this committee by Indian delegations and I might say, as the minister said in his statement, that we have investigated every one. I should like the permission of the committee to put on the record the answer to just one of these complaints.

I believe the committee will recall that when the Reverend Kelly and Mr. Williams appeared they made serious complaints about medical service in the Rupert area. Part of their complaint involved a nurse, and the delegation spoke of a lack of attendance at a place called Port Simpson. This is the original reply to that complaint. Shall I read it or just hand it to the Clerk to put in the record?

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would that be agreeable?

Miss LAMARSH: Is that the case about the person who was alleged to have died when they were turned away from the hospital?

Dr. MOORE: No, that was Norway House. I have the reply to that complaint also.

Mr. BARRINGTON: I think this should be read into the record.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Is that the wish of the committee?

Some hon. MEMBERS: Yes.

Dr. MOORE: I might say that these complaints were brought up at a meeting of the native brotherhood held on the coast, and our medical officer at that time replied to the native brotherhood. In this instance it concerns Port Simpson. Their reply reads as follows:

Further to your inquiry under reference, as I advised in our letter of 10 . 2 . 1961 the field nurse Mrs. Auckett does look after confinements who elect to remain in Port Simpson. Nevertheless, she urges all who can to go to hospital in Prince Rupert in which policy we heartily concur.

Answering the second paragraph; here again is evidence of lack of understanding and unreasonableness on the part of a few village people. Mrs. Auckett holds clinic hours every afternoon for large numbers of walking patients. She will not do house calls in order to save mothers getting a baby-sitter or taking a walk to the clinic. She has and does however, visit bed-fast persons mornings and evenings, working days and week ends regularly. And has, like all of us, often gone out to see persons less ill or tired than herself. Though she is brusque in manner I feel she is a conscientious nurse.

Re patient taken by R.C.M.P. ship to Prince Rupert; this case was , born November 26/60. to a single girl, . The maternal grandmother is . "During the week of Feb. 7-13 this infant had frequent stools but no fever or vomiting. Although taking formula well and continuing to gain weight slowly the grandmother kept attempting to give solids to the baby. On Feb. 9th. Dr. Fiddes

advised treatment by radio-phone ordering diluted formula, no solids and Chloromycetin for 4 days. Although _____ appeared concerned and cooperative about the baby the grandmother refused to accept treatment and insisted that there was "something wrong" with the baby and it needed to go to hospital. As Sunday Feb. 12th was stormy, the grandmother persuaded Sgt. Lewis of the R.C.M.P. boat *Nanaimo*, which was in port, to take her and baby _____ to Prince Rupert on their regular return run. This was not an emergency, but done out of courtesy.

The reply goes on to say that although the baby was not acutely ill, it was admitted to hospital and was later returned home.

This is typical of the complaints that have been made to the committee and, as the minister said, there are two sides to all of them. This can be seen when we start to investigate them.

Mr. HOWARD: I have only one question which is not really connected with the circumstances surrounding this case. However, I understand the doctor you mentioned, Doctor Fiddes, had prescribed the taking of chloromycetin for four days.

Dr. MOORE: Yes.

Mr. HOWARD: Just some time ago I read that the food and drugs authority had issued instructions, or suggestions about the misuse of chloromycetin where some physicians were using it to treat all sorts of minor ailments. I wonder if, at the time it was prescribed in this case, did the food and drugs order or suggestion apply to Doctor Fiddes?

Dr. MOORE: I think chloromycetin would be proper to use in the case of a child having loose stools.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If there are no further questions for Doctor Moore, then I shall thank him for his valuable assistance to the committee.

We were previously dealing with enfranchisement of Indians, and following immediately on our completion of that subject we shall deal with the B.C. land question. Would Mr. Brown please come forward? We were discussing generally the first three pages of the brief on enfranchisement. Are there any other questions? Mr. Howard was discussing something in this regard.

Mr. HOWARD: I think, Mr. Chairman, I had concluded the subject matter I wished to question. But, before we proceed, I should like Mr. Brown to follow this presentation on enfranchisement with historical accounts of the B.C. land question. I know it has a rather complex history and, if we do not get that far today, I suggest it would be helpful for the brief on the B.C. land question to be made available to committee members before our next meeting. By doing that we would have more time to absorb its contents.

Mr. BROWN: We have that brief here.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): They can be made available at the end of the meeting, and can also be sent to the members of the committee who are not present. Is that satisfactory?

Some hon. MEMBERS: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): If there are no further questions on page three, we shall go on to page four.

Mr. CHARLTON: It is stated in subparagraph eight on page four:

That in place of enfranchisement some criteria should be adopted whereby if an Indian leaves the reserve he is entitled to all the rights of an ordinary citizen but should he return to the reserve he resumes his rights and privileges as an Indian.

How could that be done?

Mr. BROWN: Mr. Chairman, I am afraid I do not know, myself. That was suggested in a number of the briefs presented by some of the Indian groups. I presume they mean that if an Indian leaves the reserve he immediately becomes eligible for all the benefits outside the reserve world, but if he decides to come back to the reserve he should be eligible for all rights on the reserve.

Mr. CHARLTON: This, in effect, deals with his status as an Indian?

Mr. HOWARD: Enfranchisement now is a one-way street, unless it is the case of a woman who becomes divorced, or a married woman who becomes a widow. Apart from that it is a one-way street. I think the criticism is that present provisions do not allow a person to come back on the reserve and become unenfranchised.

Mr. BROWN: I imagine it is something like that.

Mr. CHARLTON: Is it not a fact that some of the bands themselves do not want to allow this to happen?

As I understand it, when an Indian leaves the band he takes out his proportion of the band funds, and then the band members themselves do not want him to come back and share in any future remuneration coming from band funds. Is that not true?

Mr. FANE: Recommendation No. 7 pretty well covers the situation:

The Indians who take enfranchisement should not be paid a share of the funds of the band.

That would work in with recommendation No. 8.

Mr. BROWN: Some bands would be willing to take them back and give them a share in band funds. There might be some bands who would be willing to take them in, regardless of whether they paid back the share of the funds which they took out, but other bands would not do that. There is a wide disparity of views among Indian bands across Canada and, as I mentioned earlier, there is no unanimity at all in the general thinking of the bands.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any questions on page 4?

Mr. HOWARD: I have a question dealing with the bottom of page 4 and the top of page 5. Enfranchisement was initially conceived as being a process towards integration, but it has not worked too well. Is it likely to be any different in the future?

Mr. BROWN: It is difficult to say whether it would be much different in individual cases. Certainly today the average Indian has more rights or, shall we say, has rights more akin to the rights of a non-Indian than he had years ago. Years ago there were certain privileges which were not open to them, but that is not so true today.

Mr. HOWARD: The incentive in enfranchisement is diminishing?

Mr. BROWN: That looks to be the case.

Mr. HOWARD: At the present time liquor is gradually becoming available to Indians, on and off reserves, and this, if it were an incentive, is coming to an end. I just wanted to get your thought on that?

Mr. BROWN: I should not like to leave the thought with you that I ever conceived most of the applications for enfranchisement as being made simply to get liquor privileges, or to get the federal or provincial vote. I do not think that is the case.

Mr. HOWARD: No, no.

Mr. BROWN: Many of the applications we receive, and which are screened in Ottawa, are made by people living off reserves for 15, 17 or 20 years, and in some cases all their lives. There does not seem to be any more reason why they are applying today to get liquor privileges, which they could have applied for just as easily 10 years ago.

Mr. HOWARD: I did not want that to be implied in the question, but possibly it is an incentive in a different way.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions on page 5; page 6; page 7; page 8; page 9; page 10?

Mr. HOWARD: Mr. Chairman, this really is not on page 10 or any other page. I am wondering if Mr. Brown could explain to the committee whether or not he has had representations made to him similar to those I have had. I have heard the opinion when I have been amongst some bands and with some Indians that they thought of having as it were enfranchisement in reserve; that is the right of bands to adopt or take non-Indian children in as members of the band, not in the strict sense as an Indian with right of band funds and so on, but as sort of a close relation. The idea is to promote cooperation both ways and also integration. The practice is followed in some cases of providing honorary chieftanships or princess-ships, or something of that nature. This might be an extension of the arrangement to adopt adults as honorary members of the band. Have you had any suggestions along this line.

Mr. BROWN: I have not heard that thought expressed by an Indian band. I believe Professor Hawthorne suggested something along that line in his study of the Indians of British Columbia.

Mr. HOWARD: There are a couple of bands in my constituency with whom I have spoken about various things and they have expressed interest in this idea. Perhaps they got it from Dr. Hawthorne.

Mr. BROWN: I do not follow just how they could be brought into the membership of the band. I do not know whether this is what the bands had in mind or whether it was simply a matter of opening up the legal barrier of the reserve to enable Indians to live and work there. In this way the economy of the reserve might be improved by allowing non-Indians to come in to work and live as next-door neighbours, perhaps to Indians. This might benefit the economic progress on the reserve. We, of course, have this type of situation on a few reserves. The Caughnawaga reserve across from Montreal is a good example of a reserve where at one time a lot of people were leasing land.

Mr. HOWARD: The suggestions I have in mind were along the line of honorary band membership, rather than working and living on the reserve itself.

Senator INMAN: Have you had cases of adoption of white children by Indians.

Mr. BROWN: I cannot actually say how many there are, but I know there are some.

Senator INMAN: I know of some white children being brought up on the reserve.

Mr. BROWN: I think I can safely say there are legal adoptions of white children by Indians.

Senator INMAN: Do those children take the same status as Indian children?

Mr. BROWN: Those children do not acquire Indian status under the provision of the act. Nor, conversely, do Indian children who are adopted by non-Indians lose their Indian status.

Senator MACDONALD: When white children are brought up by Indian people are these cases of illegitimacy, or what?

Mr. BROWN: It arises in cases of a daughter probably who marries a non-Indian, has a child, and perhaps the home breaks up. The daughter brings the child back to the grandparents on the reserve while she is out working for a living. There could be illegitimate children. There would be a good many cases of that kind. Also the children could be orphans of an Indian relative or friend.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any further questions on the brief in respect of enfranchisement of Indians? If not, we will go on to another subject, the British Columbia Indian land question. Would it be the wish of the committee that this brief be read?

Mr. HOWARD: Mr. Chairman, in view of the hour and other factors, I wonder if we might today just have the reading of the brief and leave the discussion over until tomorrow.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): That is a good suggestion.

Mr. BROWN: This brief deals with the British Columbia Indian land question, and is as follows:

Nature of Claim

In their briefs and during their appearances before you the representatives of the British Columbia Indians asserted a subsisting aboriginal title to the land within the province of British Columbia. This claim is of long standing and is based on a denial of conquest by the crown and the absence of a treaty or treaties whereby the Indians ceded their lands to the crown.

The claim is supported by a belief on the part of the Indians that as their lands were not taken by conquest, the crown was bound to obtain a cession by treaty. They point to the fact that the British crown made treaties with many groups of Indians in other parts of Canada and in the territory that is now the United States. Further that the government of the United States, in the years following the declaration of independence, followed the British practice and made treaties with Indians. The Indians cite despatches of the secretary of state for the colonies to the governor of the colony of Vancouver and the governors of the colony of British Columbia as evidence that the British government contemplated that treaties would be made with the Indians and that they would be compensated for the loss of their aboriginal rights.

Notwithstanding these assertions, such aboriginal claim as may have existed was extinguished only as respects 358 square miles on Vancouver Island in the 1850's and 104,000 square miles, on the east side of the Rocky Mountains, by Treaty 8, in 1899.

To understand the reason for this state of affairs it is necessary to review the early history of British Columbia.

Early Historical Background

The Colony of Vancouver Island was established in 1849 under the sponsorship of the Hudson's Bay Company. The company had been granted rights to crown land for settlement and apparently acted on the assumption that "wild lands" did not require the extinguishing of Indian rights, since they belonged to the crown, while lands claimed by Indians would be bought under agreement with the Indians only insofar as such lands were required for settlement. James Douglas, governor of Vancouver Island in the 1850's entered into a number of agreements with various bands on Vancouver Island, in effect purchasing by private treaty some 358 square miles. After becoming governor of the new colony of British Columbia in 1858 (on the main land) Douglas asserted the now standard principle that all lands belong to the crown in fee, implying that the Indians held land subject to the crown.

From that date until the establishment of the province of British Columbia in 1866 no action was taken to extinguish the Indians' rights. After the establishment of the province the Provincial government consistently refused to recognize the existence of an aboriginal title.

Post-Confederation History

By clause 13 of the terms of union, 1871, upon which British Columbia entered confederation, it was agreed that the dominion would assume "the charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, that a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the Dominion government after union. To carry out such a policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia government to appropriate for that purpose shall from time to time be conveyed by the local government to the Dominion Government".

Difference of opinion regarding the extent of lands to be set apart for reserves, the nature of the Indians' interest and the powers of the dominion to administer reserve lands, arose between the province and the dominion, shortly after 1871, and the area of disagreement was extended by the Indians reasserting their claim to an aboriginal title in all British Columbia lands not covered by treaty or surrender. The province refused to recognize an aboriginal title, while at that time the dominion seemed to consider the claim had some merit.

The respective governments agreed to test their differences in the courts and the dominion prepared a draft of ten questions for reference to the Supreme Court of Canada. Two of these raised the question of aboriginal title and the province declined to be a party to any reference involving aboriginal title. While the dominion made plans to get the questions before the court, despite the province's refusal to join in the proceedings, the dominion did not bar the door to settlement of the difference by negotiation and in 1912 appointed Mr. J. A. J. McKenna a commissioner to investigate the Indians' claims as to land and rights and all questions at issue between the province and the dominion. The claim to aboriginal title came within the scope of Mr. McKenna's commission, but the premier of British Columbia refused to discuss the question. However, the result of the negotiations was the appointment of a royal commission to adjust the acreage of Indian reserves in British Columbia and to set apart new lands for reserves. The commission was appointed in 1913 and dissolved in 1916, having made a voluminous report which, after final revision, was confirmed by the province in 1923 and by the dominion in 1924.

Proposed Reference to Court

While the royal commission was sitting, the Indians continued to press the claim to aboriginal title and to petition that the claim be considered by the courts. They wished to have the claim considered by the Privy Council in the first instance, but were informed the Privy Council would refuse to hear a case which did not come before it in the usual way, i.e., on appeal from the local courts.

The governor in council, by order in council P.C. No. 751 of June 20, 1914, resolved to refer the Indian land claims to the Exchequer Court of Canada with a right of appeal to the Privy Council, but on the following conditions which were incorporated in the Order in Council:

1. The Indians of British Columbia, by their chiefs or representatives, in a binding way, agree, if the court, or, on appeal, the Privy Council, decides that they have a title to lands of the province, to surrender such title, receiving from the dominion benefits to be granted for extinguishment of title in accordance with past usage of the crown in satisfying the Indian claim to unsurrendered territories, and to accept the finding of the royal commission on Indian affairs in British Columbia as approved by the governments of the dominion and the province as a full allotment of reserve lands to be administered for their benefit as part of the compensation.
2. That the province of British Columbia, by granting the said reserves as approved, shall be held to have satisfied all claims of the Indians against the province. That the remaining considerations shall be provided, and the cost thereof borne by the government of the Dominion of Canada.
3. That the government of British Columbia shall be represented by counsel, that the Indians shall be represented by counsel nominated and paid by the dominion.
4. That, in the event of the court or the Privy Council deciding that the Indians have no title in the lands of the province of British Columbia, the policy of the dominion towards the Indians shall be governed by consideration of their interests and future development.

The procedure decided upon was that the order in council would be presented to the various bands before the reference to the courts, but after the work of the royal commission had been completed the chiefs of the various bands were to be required to give an undertaking in accordance with condition No. 1 aforementioned. However, when the Indians and their advisers learned of P.C. 751 they objected to the conditions, particularly condition No. 1 and the reference was abandoned.

Joint Special Committee

The Indians continued to press their claim and in 1926, following their petition to parliament, a joint special committee of the Senate and House of Commons was appointed to inquire into the claim set forth in the petition. Counsel and a number of witnesses on behalf of the Indians appeared before the special committee, which reported in 1927. (The report and evidence appear as an appendix to the journals of the Senate of Canada 1926-27 and were bound in book form by the King's Printer).

As regards the claim to an aboriginal title, the special committee reported as follows:

Having given full and careful consideration to all that was adduced before your committee it is the unanimous opinion of the members thereof that the petitioners have not established any claim to the lands of British Columbia, based on aboriginal or other title.

The committee further considered that the opportunity offered by the government in 1914 to have the claim referred to the court afforded the Indians full opportunity to put their claim to the test. The committee concluded:

As they have declined to do so, it is the further opinion of your committee that the matter should now be regarded as finally closed.

B.C. Special Fund

The committee expressed itself as impressed by the fact that the treatment accorded the Indians of British Columbia was every bit as generous as the treatment accorded Indians within treaty areas.

However, the committee took cognizance of the Indians' claim that they were losing by the fact that they did not receive annuity payments and recommended that in lieu of annuity moneys a sum of \$100,000.00 be expended annually for the provision of additional assistance by way of education, medical attention, promotion of agriculture, and development or irrigation projects.

This sum has been appropriated annually by parliament for the benefit of the Indians of British Columbia and since 1958 an advisory committee of three Indians, selected by the Indians of British Columbia, assists the Indian commissioner in planning the expenditure of the moneys.

Summary

1. That with the exception of a few hundred square miles on Vancouver Island (Hudson's Bay Company transaction in 1850's) and some 104,000 square miles east of the Rocky Mountains, which were included in treaty 8 taken in 1899, the aboriginal title (if any) to the land within the province of British Columbia, was not extinguished by treaty or agreement.
2. That the province of British Columbia has consistently refused to recognize the existence of such a title in British Columbia.
3. That initially the dominion supported the Indians' claim and attempted without success to have the province join in a reference to the courts.
4. That subsequently the dominion suggested a different course of action to place the matter before the courts, but this time the Indians refused to agree to the conditions proposed.
5. That a joint special committee of the Senate and House of Commons considered the Indians' claim in 1926 and concluded:
 - (a) That the Indians had not established their claim.
 - (b) That they had not availed themselves of the opportunities open to them to have their claim adjudicated in the courts.
 - (c) That the Indians of British Columbia had been as well or better treated as Indians within treaty areas.
 - (d) That, notwithstanding the foregoing, the sum of \$100,000.00 should be expended annually for their benefit.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Do you have a general statement which you would like to add, Mr. Brown?

Mr. BROWN: No.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Would it be the wish of the committee to adjourn at this time and discuss the brief in detail at the next meeting?

Senator MACDONALD: I agree that we adjourn and take it up at our next meeting.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): The next meeting will be at 9:30 tomorrow morning in this same room.

EVIDENCE

THURSDAY, May 25, 1961.

The CLERK OF THE COMMITTEE: In the unavoidable absence of the joint chairmen, could I have a motion to appoint an acting joint chairman for today's sitting?

Mr. STEFANSON: I nominate Mr. Gundlock.

Mr. SMALL: I second that.

The CLERK OF THE COMMITTEE: Moved by Mr. Stefanson, seconded by Mr. Small, that Mr. Gundlock be acting joint chairman of today's sitting. Is this agreed?

Agreed.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Before going on to the questioning on British Columbia lands, Mr. Jones has the answers to several questions asked of Mr. Davey about schools.

Mr. H. M. JONES (*Director, Indian Affairs Branch*): Mr. Chairman, ladies and gentlemen, on May 23 Mr. Howard asked about the backlog in school construction. This can probably best be described by giving statistics as to the number of Indian children of school age who have not been enrolled because of lack of accommodation. Field reports indicated in January, 1960, there were 2,095 Indian children of compulsory school age, that is, seven to sixteen years, for whom regular schooling was not available for lack of accommodation. In addition, 2,621 children of the 5,454 born in 1953, or six years of age, were not attending school, making a total of 4,716. To provide for this number of children between 160 and 180 classrooms would be required.

Mr. Chairman, Senator MacDonald also requested information concerning the number of male and female students at university level. There were enrolled at university during the present academic year 56 male students and 26 female students, or a total of 82.

Mr. Korchinski asked whether the Indian students presently attending universities came primarily from non-Indian schools or from Indian schools. Of the 82 students in this category, 64 were admitted to universities from non-Indian schools, 13 were admitted from Indian schools and for five of the students we were not able to find information which would indicate the type of school they had previously attended.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Does that answer your question, Mr. Howard?

Mr. HOWARD: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): And you, Senator MacDonald?

Senator MACDONALD: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Now, Mr. Brown also has an answer to a previous question of Mr. Howard's.

Mr. L. L. BROWN (*Special Assistant to the Director, Indian Affairs Branch*): On Tuesday last I promised to look into the apparent discrepancy between the total of 802 I noted as being the number of Indians enfranchised in 1958-59 and the total of 394 given by the department to Mr. Howard in reply to a question he asked in the House of Commons in 1959.

I find that no discrepancy exists. The total of 394 given to Mr. Howard represented the number of Indians enfranchised in the calendar year 1958, whereas the total of 802 I mentioned was the total for the fiscal year 1958-59.

Mr. HOWARD: Thank you very much.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): We now turn to the brief on the British Columbia Indian land question. I am not sure whether we have stick to it page by page. It may be handier, as a matter of fact, to refer to it generally. What is the wish of the committee on that?

Senator SMITH: Would it not be a good idea to follow the summary, Mr. Chairman? It is pretty well condensed on pages 5 and 6.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are we agreed, then?

Mr. HOWARD: I think perhaps that suggestion is a good one—

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Any questions?

Mr. HOWARD: Mr. Chairman, if we can deal with the first item in the summary, on page 6, I notice there is a qualifying reference there in brackets to "if any". Does this indicate that the department, or the government, is of the opinion that there is not an aboriginal title, or is it merely put in there to ensure that the lands are not being designated one way or the other?

Mr. BROWN: Mr. Chairman, I must take responsibility for those words in brackets there. They were simply intended to indicate that this matter had not been determined one way or the other.

Mr. HOWARD: On point No. 2, this is a point which has plagued a number of people, as to whether it is considered that the agreement of the province is necessary to refer this matter to the courts for argument's sake. I take it that at one time, in 1914, I believe, it was not considered necessary for the province to agree to any reference.

Mr. BROWN: Mr. Chairman, I cannot state what the opinion was in 1914, but the evidence in the record indicates that the federal government thought they could take the matter before the courts without the consent and concurrence of the province. I am not entirely sure of the way they anticipated doing this, but apparently on the advice of their legal officers they thought they could bring it before the courts.

Mr. HOWARD: Has the legal branch of Indian affairs or the Department of Justice recently done any work on this particular item as to the legal steps necessary if it is desired to go to court?

Mr. BROWN: Not that I am aware of, Mr. Chairman.

Mr. HOWARD: I was given to understand by someone else that the Department of Justice have been considering the matter, perhaps upon a request at the ministerial level, but I am not refuting what you said, that you have no knowledge. I am merely saying that I was given to understand it was done and perhaps at the ministerial level a decision was made.

I do not want to hog the conversation here, but in No. 4, in the summary following order in council P.C. No. 751 of 1914, which was referred to earlier in the presentation here, the Indian people concerned refused to agree to proceed to court on the basis of the conditions incorporated in the order in council, specifically the condition in No. 1. This condition in effect says they agree to take a certain course of action before proceeding to court. I wonder if there is any opinion as to whether or not that attitude was felt to be justified, in view of what the order in council said?

Mr. BROWN: Mr. Chairman, I do not think I would care to comment on whether or not an action taken at that time was justified, on the facts given.

Mr. HOWARD: The reason I raise this, Mr. Chairman, is that apparently the order in council of 1914 was the first formal action taken by the dominion government in connection with proceeding to the courts to settle the question of aboriginal title. It seemed to me that a great deal would hinge on that because this has been used in the 1926-27 committee as an argument for not going any further, and saying: "You had a chance once and you declined to proceed, so we consider that the matter is settled."

I have spoken about this to several members of the legal profession, and they say that undoubtedly not even have been accepted by a court as a term of reference, because there is a demand to agree to a certain course of action before you even get into court. They say it would not have been accepted by a court and, in my opinion, it was a completely unfair approach to take at that time, to insist upon a certain agreement before the matter was even decided in court.

Mr. CHARLTON: Mr. Chairman, I think probably Mr. Howard is out there. In 1871, or shortly after—it says here:

—the area of disagreement was extended by the Indians reasserting their claim to an aboriginal title in all British Columbia lands not covered by treaty or surrender. The province refused to recognize an aboriginal title, while at that time the dominion seemed to consider the claim had some merit.

Apparently the dominion was trying to work with the province back shortly after 1871 to get this thing settled and the province would not agree. Is that not true?

Mr. HOWARD: It is what I understand. I am merely saying the order in council of 1914 was the first formal recognition that there was an attempt or desire to proceed, apparently with the agreement of the province.

Mr. CHARLTON: The first formal step.

Mr. HOWARD: Yes.

Senator SMITH: Mr. Chairman, I conclude—and I would like to be corrected if I am wrong—that up until 1914 there had been discussions and efforts made to arrive at some settlement of this matter. Since that time there has been a sort of stalemate, there has been no progress made toward correcting the situation existing. Let me say—and I think Mr. Howard will agree with me—that this is a serious thing in our province in that it keeps the whole Indian question in a state of flux. I have been at a great many meetings of Indian bands and conferences in different parts of the interior, and I think without exception I can say that this has always been a stumbling block. It has become an obsession with the natives and has been handed down from generation to generation to the point that the younger people who attend these meetings and who are actually in a position to do something are so incensed with the idea that there has been unfairness in connection with aboriginal rights, that that has become the keystone of the whole Indian problem in British Columbia.

Mr. HOWARD: I think it is quite true, Senator, that until this particular land question is settled it will remain a barrier to integration, advancement and solution of so many other problems in Indian affairs. This is the thing, as the Senator says, that has been going on, as the brief points out, ever since confederation, and before that time.

Mr. CHARLTON: May I ask Colonel Jones a question here? How does the land area of the reserves in British Columbia compare with other provinces, according to population?

Mr. JONES: Mr. Fairholm, have you the reservation schedule there? I think that ten-year survey would give it. Have you it there?

Mr. CHARLTON: Part (c) of 5 says:

That the Indians of British Columbia had been as well or better treated as Indians within treaty areas.

They must have had some basis for that statement.

Mr. JONES: In British Columbia, Mr. Chairman, the acreage of reserves is 1,543,867, out of a total of—

Mr. CHARLTON: What is the Indian population?

Mr. JONES: —out of a total acreage across the dominion of 5,897,177.

Mr. HOWARD: Is that inclusive of British Columbia?

Mr. JONES: I am sorry, I gave the wrong line—820,915.

Senator SMITH: What is the British Columbia acreage?

Mr. JONES: The British Columbia acreage, sir, is 820,915.

Mr. CHARLTON: That is British Columbia's acreage out of 1,543,000?

Mr. JONES: Yes, I gave you Alberta by mistake.

Mr. CHARLTON: The figure was 820,915?

Mr. JONES: Yes.

Mr. CHARLTON: And the total for the dominion is 5,897,177?

Mr. JONES: That is correct.

Mr. CHARLTON: And what is the Indian population of British Columbia?

Mr. JONES: In 1958 the population was 35,289, out of a total of 174,242.

Senator HORNER: The population is about one-fifth?

Mr. JONES: Yes, the second largest area of population—next to Ontario.

Mr. HOWARD: I think, Mr. Chairman, if I recall correctly, at the time this joint committee met in 1926 and 1927, the actual reserve lands in British Columbia had not been fully determined by the dominion or the province, following the McKenna-McBride commission.

Mr. BROWN: Yes, the order in council transferring them from British Columbia to the federal government was in 1938.

Senator STAMBAUGH: Have you the Indian population of Alberta there?

Mr. JONES: Alberta, 19,287, as at December 31, 1959.

Senator SMITH: I do not think that will serve any purpose because there is no comparison between the land contained in these acres in British Columbia and the land in some of the other provinces. In British Columbia we have only about 3 per cent suitable for agriculture, whereas in Saskatchewan, Manitoba and Alberta, the percentage is much higher. Therefore there is not much value in that comparison.

Mr. CHARLTON: Yes, but would not the resources value in that land be much greater per acre?

Mr. SMALL: You are talking about arable land. You are not talking about minerals in that land. You are talking about land usable for agricultural purposes. What you would see there would be acreage as far as agricultural land is concerned, but when you come to resources it would change the picture a little.

Senator HORNER: Some of the reserves in British Columbia are very valuable agricultural lands. I do not know about them all.

Mr. SMALL: Most of these would be just for fishing and purposes like that, to operate from for fishing and hunting and things like that. They would not use them for farming.

Mr. STEFANSON: Of this land in British Columbia, is a large portion of it timber land?

Mr. BROWN: There would be a substantial portion, but I am afraid I cannot say what percentage of it is, Mr. Chairman.

Senator SMITH: I think probably the more valuable timber land on the reserves would be on the island.

Mr. HOWARD: Mr. Chairman, in this regard there is a statement in the 1926-27 joint committee report that deals with this. I am quoting from page XIII:

The allotment of reserves, of which there are 1,573 in the province, preserves to the Indians in a remarkable degree their old fishing stations and camping grounds, and the action of the commissioners was evidently extended to preserving Indian rights in traditional locations which the Indians had enjoyed in the early days.

A good portion of the land was that. I know all along the coast there are bays and ports along the rivers and lakes which are for this purpose rather than for a higher use.

Senator HORNER: I know on the Quesnel railway, not far from the coast, there is a beautiful piece of soil, and I was amazed when they told me they could grow the finest turnips in British Columbia there. There is a school there. There is not much good land around but it seems some of this good land belongs to the reserve.

Mr. HENDERSON: Is that St. George's, Senator?

Mr. HOWARD: With respect to this arable land, Mr. Chairman, I am taking information out of the joint committee's report in 1926-27, and it says, again quoting from the same page:

It is apparent that the average of agricultural land set up by the proposed conditions of settlement is not applicable to British Columbia, where the Indians generally cannot derive their subsistence from agriculture.

So in some parts it is true that there is no arable land and arable lands are relatively minor in the over-all picture.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other comments or questions?

Mr. HOWARD: As I understand it, the settlement suggested by the so-called McKenna-McBride commission, in 1916, has never been, in fact, accepted by the Indians, even though it has been accepted by the provincial and federal governments. Is this correct?

Mr. BROWN: I think that would be a correct statement.

Mr. HOWARD: And also the special \$100,000 grant which arose out of the 1926-27 joint committee has never in fact been accepted as any basis of settlement?

Mr. BROWN: I do not think they were ever asked to accept it as a basis of settlement. It was a grant from Canada.

Senator HORNER: Did they accept the grant? Did they receive the money?

Mr. BROWN: Yes, the money is appropriated each year, Mr. Chairman.

Senator SMITH: I would like to move that for the final recommendations of this committee serious consideration be given to the fact that this is a very important problem in relation to the whole British Columbia Indian situation. As long as it is left in the state of uncertainty it is now, not much progress can be made, and I would suggest that it is most desirable that the loose ends

be picked up wherever necessary. It looks to me as if you have to go back to the situation as it was in 1914. Possibly at this time it might be more practical and easier to get co-operation from the bands than it was a few years ago. I am thinking of the new type of young Indians who appear at the conferences and meetings and show interest in the problems. What was a failure a few years ago might become a success today. I do not think there is much point in researching further at this time, and I think it should be faced in that particular way—bearing in mind that it is most advisable to make a study of a possible revival of negotiations, with a view to settling this so that it will not be in the unsettled state it is today.

I do not think we are going to accomplish what we hope to with the British Columbia Indians while this problem exists. As far as the government is concerned, it is very easy to let it coast along without doing very much about it. I think it is up to the department to exercise some initiative and not allow this to coast along in an unsettled state.

Mr. SMALL: You want a firm agreement?

Senator SMITH: Yes, whatever it is going to be. The Indians should know where they stand. At the present time they feel they have not been fairly treated and no final arrangement has been reached. They have this grievance and it crops up in connection with every project undertaken with the Indians out there. They go back to this matter of their aboriginal rights, and I would like to see some effort made to agree on some final arrangement.

Mr. HOWARD: While this relates to another country, Mr. Chairman, there was a comparable situation in Alaska with the Haidas and Tlingits. Their argument was precisely the same. Their aboriginal title had not been extinguished, and by act of the United States Congress they proceeded to what is known as the United States court of claims, and about two years ago, I think it was, this court decided that that title still existed and that the Indians in the Alaska panhandle still had title to that particular land.

I think it would be as well to make reference to another order in council which indicates that the federal government, policy-wise, is agreeable to renegotiating existing treaties, and it would seem to follow that it should be agreeable to negotiating treaties where none exists. I have reference to P.C. 1959-799 of June 25, 1959. Without reading it all, it establishes a committee to inquire with regard to Indians in the Mackenzie district and with respect to treaties Nos. 8 and 11, and reads in part as follows:

That there is doubt whether it is in the interests of the Indians to have reserves set aside for them in the Northwest Territories in the proportions provided for by the treaties and informal discussions with the Indians have indicated that they have no firm opinion on the matter and might be prepared to consider renegotiating the treaties on some different basis.

Then a committee was appointed and one of the terms of reference is that the members of the committee be:

—appointed commissioners under part I of the Inquiries Act to inquire generally into all matters arising out of the unfulfilled provisions of treaties 8 and 11 as they apply to the Indians of the Mackenzie district including the following:

(a) Whether the future economic and social welfare of the Indians would be well served by the setting apart of reserves for them in the proportions provided for by the treaties or whether it would be in their future interests to renegotiate the treaties on some different basis.

I want to put this on the record, or before the committee, to indicate that policy-wise I think the government has decided there is some desire to alter the terms of present treaties, and it would seem a natural follow-up from that that it would also be desirous, policy-wise, of negotiating treaties where none now exists. I think that if that is so, as Senator Smith has said, the settlement of this thing is of paramount importance before any great steps can be taken to solve any other problems of the Indians in British Columbia.

Mr. CHARLTON: With reference to the order in council of 1938—I wonder on what basis the acreage was set up?

Mr. BROWN: Well, Mr. Chairman, I do not know that there was any acreage basis, if that is what Mr. Charlton has in mind. The reserves were first set up in British Columbia in the early days, colonial days, before confederation. There was a continuation of the setting aside of reserves, after confederation. The area of reserves was one of the matters which came into dispute between the federal and the provincial government, that is, as to what the basis of setting them aside should be. I believe the federal government suggested 80 acres per family, while the province thought this was far too high. There was an area of dispute over it for some time, and I believe it was Mr. Duncan, the missionary, who came up with a compromise. He said let us forget about the acreage, and give them whatever land they may need, to meet their needs and requirements, at whatever spot they want it. That was, roughly, the original basis.

Now, when it came to the royal commission which was appointed to go further into the matter, after the McKenna-McBride agreement, it is my understanding that it was pretty much the method by which they proceeded. I do not recall that it was done at so many acres per person. Some bands got more, while some got less, depending on the location, and whether they were on a rocky shore and required land only for a village settlement, or as the site of a harbour for fishing boats, as opposed to those in the interior who pursued the agricultural way of life and thus required more acres.

Mr. CHARLTON: Those acres were transferred by the province to the federal government.

Mr. BROWN: Yes, in 1938 by order in council; that was following the committee in 1926. But the committee report in 1926 had nothing to do with this agreement between the province and the federal government.

Mr. CHARLTON: That was following the committee in 1926, but the committee report in 1926 had nothing to do with this agreement between the province and the federal government.

Mr. BROWN: No, not basically.

The ACTING JOINT CHAIRMAN (*Mr. Gundlock*): Are there any other questions or comments? Well, Senator Inman, if there are no other questions or comments on this brief, this would conclude the study. This afternoon's meeting then will be cancelled. There is a request now for the steering committee to remain and to meet immediately after this meeting. I refer to Senator Inman, and Messrs. Howard, and Charlton. May we have a motion for adjournment?

Senator HORNER: I move we adjourn.

APPENDIX

APPENDIX R 1

SUBMISSIONS BY NORTH AMERICAN INDIAN BROTHERHOOD

NOTE. Chief Ben Christmas, President of the North American Indian Brotherhood, was invited to appear before the Committee on May 12, 1960, but was unable to do so on account of illness.

APPENDIX "R1"

BRIEF OF THE NORTH AMERICAN INDIAN BROTHERHOOD, NOVA
SCOTIA COUNCIL AND THE SYDNEY RESERVE AT SYDNEY
IN THE PROVINCE OF NOVA SCOTIA,
submitted by Chief Ben Christmas.

"A"

GRAND COUNCIL NORTH AMERICAN
INDIAN BROTHERHOOD

To: Honourable Chairmen and Honourable Members of the Joint Committee of the Senate and the House of Commons.

Mr. Chairman and Honourable Members:

On behalf of the North American Indian Brotherhood and, indeed, on behalf of all Canadian Indians generally, I should like to express our appreciation of the privilege and honour accorded to me in appearing before you to submit for your consideration, the joint brief herein on behalf of our organization. The North American Indian Brotherhood, Nova Scotia Council and the Sydney reserve at Sydney in the Province of Nova Scotia, in accordance with the terms of reference.

First of all, however, we wish to express our feelings of sincere regret and our profound sorrow in the passing last July of Mr. Andrew Paull, the late President of our Brotherhood, who was charged with the responsibility of the preparation and of the presentation of the brief which is now before you. Very recently, I was chosen by our Grand Council to succeed the late Mr. Paull as President and knowing that my knowledge of the Indian question cannot compare to the intimate knowledge and understanding possessed by him, I very reluctantly agreed to accept the post. However, I wish to express my gratitude and that of those whom I represent for the courtesy shown by the Honourable members in affording me the same courtesies extended to the late Mr. Paull.

Secondly, I wish to take this opportunity to express my gratitude to the Right Honourable John G. Diefenbaker for his very cordial and unprecedented invitation to me and others to represent Indians in every Province of Canada during the Royal Visit here in the City of Ottawa in 1957, also for his appointment of one of our own to represent us in the Senate, namely your Joint Chairman, Honourable James Gladstone, to whom I wish to extend my heartiest congratulations, also the appointment of Honourable Mrs. Fairclough, the first lady Minister and General Superintendant of Indian affairs to whom I also wish to extend by hearty congratulations and wish her well, and lastly, the appointment of this, your Joint Committee, to investigate our Indian problems across Canada. I sincerely hope and trust that your deliberations will be crowned with success in your attempt to assist our native Indians in our great country, to elevate our living standards and to help us to secure justice with our problems and requirements.

According to your terms of reference, segregation and integration appear to be your great concern and more especially integration, but I shall deal with both of them. Many Canadian citizens, I believe, are inclined to believe that Indians living on Indian reserves are segregated. Quite the contrary, according to our ancient rights. Indian reserves have been reserved to be the home and sanctuary for our Indians; moreover, Section 18 of the Indian Act remotely touches that ancient Indian right to the effect that Indian reserves be held for the use and benefit of Indians.

Traditionally, every Indian recognizes an Indian reserve as a place, his home and sanctuary, where he enjoys much happiness, freedom and protection. The Indian reserve is a birth right of an Indian. Consequently, segregation is not an Indian problem but rather a white man's problem where the responsibility of discrimination and persecution lies, and I am sure every Indian in Canada shares that view. Apparently, this feeling of segregation appears to bother the conscience of many Canadian citizens which probably

led to an agitation to abolish our reserve system, which I hope, Mr. Chairman, will never come to pass and I sincerely hope your Committee does not contemplate recommending an abolishment of our reserve system.

Integration, like segregation, as I pointed out, is not an Indian problem but rather a government problem.

Generally speaking, our Indians in every part of Canada are now pretty well accepted, I believe, except probably those who are residing in remote sections of Canada.

Automatically, Indians are integrating, I believe, slowly but surely. Many have already integrated, many are now learning to integrate and may become totally integrated in twenty-five years, and many more in fifty years, but possibly a complete integration may not take place for a hundred years. That, of course, would depend largely upon Government education, assistance, understanding, co-operation in the way of constructive solution to our social and economic problems, high school education, vocational and technical training, proper housing and sanitation, establishment of tax free industries, on Indian reserves in return for employment, duty free market for our handicraft, safeguarding our health with proper medical attention, hospitalization and prevention, beautification of Indian reserves for tourist attraction, investigation of potentialities on our reserves, granting of remuneration to Band Council for their work and loss of time, amendments to some sections of the Indian Act which appear to hinder the progress of our Indians, abolishment of liquor restrictions and granting of liquor permits to Indians for home consumption, appointment of competent social workers who can visit Indian homes periodically, wherever possible, to educate Indians for home improvement, the effects of overindulgence of liquor to the human body, physically and mentally, and the distress caused by overindulgence, and the appointment of special constables for law enforcement.

As far as the Indian vote at Federal elections is concerned, this has been a thorn in a side. In order to have a privilege to vote, an Indian is required to sign a waiver surrendering his or her right in order to mark an X on a ballot. If this is not segregation, I don't know what is. I hope, Mr. Chairman, you are aware that Indians are tax payers, directly and indirectly, contrary to our ancient rights. If we Indians are to be expected to maintain our democratic way of life and enjoy the four freedoms, we feel that the Government should abolish this undemocratic form of segregation and grant us the right to vote, an unconditional vote without any strings attached and without any dangers of loss to our ancient rights and concessions. I ask you again, in the name of justice, to abolish this vicious waiver system and grant us the non-compulsory or unconditional franchise, the same as enjoyed in Provincial elections. In Nova Scotia, for example, this is the only kind of franchise acceptable to us. Otherwise, we do not demand it.

Regarding hospitalization and medical attention—on or about the 22nd of January, 1957, we on behalf of Nova Scotia Indians addressed a brief to the Honourable Prime Minister and his Cabinet, and some copies were given to various Honourable members of the Senate and House of Commons from Nova Scotia. Aside from the encouraging replies received from the Prime Minister, Minister of Health and Welfare, Senators and members of Parliament, we suspect that very little action, if any, was taken regarding our submission of that date, due perhaps to the change of Government very shortly afterwards. However, for the information of this Joint Committee and with your permission, Mr. Chairman, I should like to read our submission to the Government of that date.* As follows now, Mr. Chairman, this submission should be very clear to you.

(*See Part "D" hereunder).

Our suspicions of nothing being done appear to be well justified and whether you agree or disagree with our submission, I wish to remind you that, in my opinion, this Government also had disregarded its responsibilities to its Indian population in the matter of health services established by ancient treaties. In January, 1959, a new hospitalization scheme went into effect in Nova Scotia with 3 per cent hospital tax to pay for it. The scheme includes Indians, but sad to say, it is no comparison to the hospitalization we once enjoyed. Never before in our history of hospitalization do we find such difficulty and hardship in the admission of Indian patients to hospitals. Our Indian patients on many occasions are obliged to wait two or three weeks before they can be admitted, even then under strict orders of emergency. Then again, our Indian patients are discharged as quietly as possible without regard to convalescence, and very often our patients are still sick on arrival home. Very recently, a prominent and highly respected Indian woman died on way to hospital, less than a mile away from her home. Our chief medical officer for Nova Scotia, however, is not to be blamed for the miserable hospitalization. He has rendered and is still rendering excellent service to Indians under his care, despite explicit instructions from the Nova Scotia Hospital Commission, and Department of Health and Welfare. He is not allowed to visit the sick in our homes, and is obliged to obtain from Ottawa permission for operations. At one time, he was guaranteed fifteen beds in local hospitals for Indian patients but that guarantee was discontinued when the Nova Scotia Hospital plan came into effect.

Section 11 of the Indian Act is causing much anxiety and anguish to Indians especially those Indian families who are directly affected. For instance, there is one excellent family residing on the Sydney Indian Reserve. The head of this family, Frank Doucette, now past forty-five years of age, is a life long member and resident of the Sydney Indian Reserve and knows no other life than that of an Indian. He was adopted when he was but two weeks old by an Indian couple, the late Mr. and Mrs. Stephen Doucette who came under the category of Section 11, Sub-section A, under sponsorship of two Band members, in accordance with the Indian custom and supported by the band and church as his Baptismal certificate would indicate. Frank Doucette was always recognized as an Indian and member of the Sydney Band and served as an Indian councillor for the Sydney Band, now abolished, Frank Doucette's name and the names of the members of his family were deleted from the Band list. In 1958, our Sydney Band was re-established as well as a Band list, but Frank Doucette and his family are still denied registration despite the recommendation of Sydney Band and Band Council. In all fairness to Frank Doucette and his family, together with our recommendation, I appeal to you now to have their names placed on our Band list.

We also wish to appeal to you to amend Section 69 of the Indian Act which deals with loans to Indians. At the present time, as you may know, we have no access to chartered banks or other money lending institutions unless, of course, we possess required security. It is not our business to dictate how much money should be available for loans to Indians but we do humbly appeal to you to raise the amount and that housing and housing repairs be included as well as business establishments and sanitations.

Our veterans should receive better consideration under the Veterans Land Act in the matter of re-establishment and home improvements. Being Indians and residing on Indian reserves, they are ineligible to obtain loans from the Veterans Land Act. Their applications for loans under the home improvement plan are not even recognized and something should be done to change its present discriminatory system for the improvement of the unfortunate situation and advancement of our veterans.

As far as Indian administration is concerned, we have no influence in the formation of an administration. We are not consulted regarding the appointment, transfer and removal of Indian officials, and as such we feel our view is of no consequence. We do suggest, however, that Band Councils should be given power to exercise their authority to disapprove the conduct of Indian officials in the matter of inattention, lack of co-operation and Lottleneck attitude and that more care be exercised in the appointment of such officials as to their fitness, qualifications and competence, and that the Indian reserves should not be used as dumping grounds for office seekers more especially in the field.

Respectfully submitted.

Ben E. Christmas,
Chief of the Sydney Indian Reserve and
President of the North American Indian
Brotherhood.

I should also like to include as part of my submission the Brief prepared by our late President, Mr. Paull, bearing date the 29th of June, 1959. However, I should first advise the Committee that inasmuch as many of the points raised are local in character, and in the limited time at my disposal together with the handicap of non-access to the documents and ancient treaties referred to in his brief, I feel that the Committee will appreciate my inability to go beyond the actual presentation of the brief itself, if it is the pleasure of the Chairman and Honourable members that I do so. However, I feel that those of you who knew the late Mr. Paull will agree that he was an able and dedicated representative of the cause of the Canadian Indian as well as being a respected citizen of our country. For this reason, I know that you will give thoughtful consideration to the various points raised therein and that where the context indicates clarification on points of an historical or technical nature that reference will be made to Departmental experts in the field of Indian affairs.

If it is your pleasure, Mr. Chairman, I will now read the Brief of the late Mr. Paull.

"B"

GRAND COUNCIL
NORTH AMERICAN INDIAN BROTHERHOOD
OFFICE OF PRESIDENT

P.O. Box 211, North Vancouver, B.C.
June 15th, 1959.

To The

Honourable Chairmen and Honourable Members Indian Affairs Committee
Parliament of Canada, Ottawa, Ontario:

Honourable Gentlemen:

"The biggest question before the Government of Canada today is the Indian question, it is bigger than any question that Canada has in the United Nations". So spoke a man learned in the law and in the Government of Canada.

When we complained to the late Duncan C. Scott, Deputy Superintendent General of Indian Affairs, against the report of the Joint Committee inquiry into the claims of the Allied Tribes of B.C. in the year 1927, he replied: "If

you Indians were to get the kind of decision to which you are entitled to—you would smash Confederation". I quote the above in an effort to appraise the Honourable Committee of the strong legal decision of the Indians of Canada.

The rights of the Indians are guaranteed for them under Section 109 of the B.N.A. Act:—

Property in lands, mines etc.

109. "All lands, mines, minerals and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same."

This is supported by a decision of the Privy Council in the case of the Attorney General for the Dominion of Canada, appellant, vs. Attorney General for Ontario, respondent, and the Attorney General for Quebec, Appellant, vs. Attorney General for Ontario, Respondent. This is an appeal from the Supreme Court of Canada, reported in Law Reports appeal cases 1897, at page 199. In this case sections 109, 111, and 112 of the British North America Act were dealt with, but for the purpose of my case, I refer only to Section 109 as their lordships deal with it. Delivered by Lord Watson,—“The expressions subject to any trusts existing in respect thereof? and subject to any interest other than that of the Province? appear to their lordships to be intended to refer to different classes of right, their lordships are not prepared to hold that the word “trust” was meant by the legislature to be strictly limited to such proper trusts as a court of equity would undertake to administer; but, in their opinion, it must at least have been intended to signify the existence of a contractual or legal duty, incumbent upon the holder of the beneficial estate or its proceeds, to make payment out of one or other of these, if the debt due to the creditor to whom that duty ought to be fulfilled.

On the other hand, “an interest other than that of the province in the same” appears to them to denote some right or interest in a third party, independent of and capable of being vindicated in competition with the beneficial interest of the old province.”

We have been advised by our Constitutional Advisers that the case of the strong legal position of the Indians in Canada—Canadian Indians should elect Indians to the Parliament of Canada in the same way as the Maories of New Zealand elect their own members to the Parliament of New Zealand. Any other elective system would be to deny the Indians their legal right.

I strongly recommend that this Honourable Committee make a very extensive examination of this system which prevails in one of the countries of the British Commonwealth. The undersigned also strongly recommends that a Royal Commission or a Judicial Tribunal inquire into the actions of the Indian Affairs Branch whereby they have vetoed the recommendation and actions of Parliament as for Indians, the 1927 Joint Committee of Parliament included in their recommendation that Indian pupils who showed promise be given assistance for the attainment of higher education. My experience was that for 25 years Officials of the Department in the field refused to carry out this recommendation.

When we appeared before the Joint Committee of Parliament in the year 1946, Parliament voted large sums for the higher education of Indian pupils.

In fulfillment of this recommendation, High Schools facilities were instituted at the St. Joseph's Mission School at Williams Lake, B.C. This was terminated by the Officials of the Indian Department.

In fulfillment of the recommendation of Parliament a High School was erected in conjunction with the Residential School at Kamloops. My information is that the Department will close the High School at the Kamloops Residential School and also close the High School at St. Mary's Mission School at Mission, B.C.

Many of our pupils had benefited by the attainment of higher education and some of them were back in the schools teaching. Now, what has proven to be of great benefit to the Indians is to be terminated by the decision of a Civil Servant contrary to the wishes of, and actions of the Parliament of Canada.

The report of the Joint Committee of 1927 reported that there were 16 Residential schools and 42 day schools—"In the opinion of the Committee it is desirable that this system should be maintained and extended and that Residential and Day schools be gradually established in districts not already provided for". This recommendation was adopted by an act of Parliament, its mandatory and the Government of Canada to carry out this recommendation.

Once more the Civil Servants have disregarded the wishes of Parliament. As an illustration—The Squamish Band Council, by Resolution, asked that a 200 bed Residential school be erected on Government property at North Vancouver to replace the Residential school built by the Indians, now condemned by the Fire Marshal as a fire hazard. The Indian Department has refused to build this Residential school but they have decided to erect 3 day school classrooms, which is totally inadequate—as at present we are using 5 classrooms.

The Indian parents and Band Council who are most concerned were never consulted and a thorough examination should be made concerning the number of pupils desiring to enter a Residential school.

The same situation prevails at the Indian Residential school at Sechelt, B.C. where the Sechelt Indian pupils were discharged and replaced by underprivileged children in the boarding school and forced to attend as day scholars. It is not possible for the Sechelt children to attend as day scholars because the parents must leave the Reserve to go fishing or logging to earn a living.

The Department is also building a Day school for 50 pupils at the Indian Reserve at Churchouse, a very small Reserve about 20 or 30 acres—the Indian parents there have to leave the Reserve to go fishing or logging or find employment in the State of Washington, therefore, it is a serious mistake to build a day school there as the parents will not be there. The school situation should be examined by an impartial body when the Indians would be given an opportunity to express their opinions. When we appeared before the Joint Committee in the year 1946, we reminded them (Committee) that in early days the Indians assisted the early settlers; provided them with food, and restored them to good health and it was pointed out to the Committee that since our country was taken away from us, it was the duty of the Government to take care of the health of the Indians of Canada. Before 1946 infant mortality was high and following these representations, Parliament voted millions of dollars for Indian Health Services. This proved to be of great benefit to the Indians of Canada as improvement in health services resulted in an increase of population of Canadian Indians—as records shows. Speaking from memory, the Indian population was 136,000 while today, the Indian population, because of the Health Service, is now 156,000. I am told that the Indian population increases at about 1,500 a year.

We now note that once more the Civil Servants have, and will terminate this decision of the Parliament of Canada. Already, many Indians have been forced to pay for their own Medical Services and we fear that the Indians will be asked to shoulder the entire expense. We can only repeat what we stated before the Joint Committee in 1946—that it is the duty of the Government of Canada to take care of the health of the Indians.

Last year, a conference was held in Vancouver, B.C., with senior officials of the Indian Department and 93 Indian Delegates from all over British Columbia, who, by unanimous Resolution, requested that a Royal Commission be appointed to inquire into the validity of B.C. Order-in-Council No. 1036, whereby the B.C. Government is authorized to forcibly take portions of Reserve land for highways, etc.

In the year 1920, the Parliament of Canada, by a bill adopted a report of the Royal Commission of Indian Affairs in British Columbia, in which it was stipulated that the B.C. Government could adopt a report by an Order-in-Council provided it was in keeping with the report of the Royal Commission. The Order-in-Council 1036 contravenes the report of the Royal Commission—should be examined by a Royal Commission or a Judicial Tribunal.

This Conference also asked that a Tribunal be appointed to inquire into the Fore-Shore fronting Indian Reserves, I strongly recommend that the Royal Commission, as requested by that Conference, be now instituted as requested by the Indians of B.C.

The economy in the Maritime Provinces is totally inadequate and requires serious action by this Government to adjust that situation, as the Indian in the Maritimes can only earn money by working in the U.S.A.

In the Prairie Provinces, the Lakes, from which the Indians formerly harvested wild rice, should be restored to the Indians.

The Undersigned has learned that Axel Wennergren has been described as an Agent of death, and that the Governor in Council, by an Order in Council forbade any Canadian to have any dealing with Axel Wennergren.

The Government of Canada, as a Trustee for the Indians of British Columbia, must take the necessary action whereby a portion of British Columbia will not be given to Wennergren without the consent of the Indians. This is of great concern to the Indians of B.C. because it will destroy their hunting and trapping grounds, should Axel Wennergren proceed with his plan to industrialize the mountain trench in British Columbia.

Before the last Revision of the Indian Act, we were assured that any right that the Indians had in the old Act would not be taken away from them in the Revised Act. We regret to note that something was taken away from the Indians in the Taxation Section of the Indian Act. We have been advised that there is a great difference between the old section and the present section, now Section 86 of the Indian Act. I make the suggestion that this Honourable Committee summon Gordon Henderson, Q.C. Meltcalfe bldg. in Ottawa to explain the difference between the old Taxation section and the present section.

Ever since the year 1917, a grave injustice has been imposed upon the Squamish Indians in that the Vancouver Harbour Commissioners took 50% of the net revenue of rentals accruing to the Fore-Shores of the Indians Reserves in Burrard inlet. The Harbour Board was impelled to do this by the terms of a quick claim deed issued by the Minister of Justice during the month of September, 1917 whereby the Vancouver Harbour Board would retain 50% of the net revenue. The other 50% go to the Squamish Indians. The quick claim Deed is an illegal document for the reason that the Royal Commission on Indian Affairs appointed by the two Governments, made a decision and recognized that these Fore-Shores was the property of the Indians. This report will be found in Volume I of the Report of the Royal Commission later adopted by Parliament. The Royal Commission made this decision about the year 1913. Therefore, the quick claim Deed issued by the Minister of Justice in 1917 was Ultra-Vires for the reason that the Government of Canada, by

the provisions of the B.N.A. Act, had absolutely no jurisdiction over Burrard Inlet. It was not until the year 1922 that the Government of Canada realized this fact and passed the necessary Legislation to give them jurisdiction in 1922.

Because of this imposition, the money collected by the Vancouver Harbour Board, legally should now be turned over to the Squamish Indian owners and I make this suggestion that it is the duty of our Trustee, the Government of Canada, to bring this about.

I make the suggestion that a law should be enacted prohibiting an Official of the Indian Department to secure the consent and signature of Indians by intimidation and coercion on a surrender of land or timber. After this had been refused at a regular meeting of a Band, no one should be allowed to go from house to house forcing Indians to consent to the sale or lease of land or timber or anything on an Indian Reserve.

While the Proclamation of King George 3rd, 1763 and subsequent actions of the Sovereign have always been to protect the interest of the Indians and the Parliament of Canada to a great extent has always acted in this direction, but despite all these efforts economically and politically, the Indians of Canada are nothing by the Peons of the Conquestrians.

The Indians of Canada have made great contributions in manpower and money. In every War that Canada has participated in, many were decorated and many made the supreme sacrifice for liberty and freedom for our British Sovereign. Yet, despite all these efforts by the Indians to publicly demonstrate themselves as true Canadians, we find ourselves in dire straits, especially by the actions of the Civil Servants who were contrary to the wishes of the Parliament of Canada.

May I, in my humility who with all the force at my command as spokesman for the Indians of Canada, ask our Trustees, the people and the Parliament of Canada,—to now rectify these injustices and to continue the good work which has been started by the actions of Parliament regarding the Health and Education of the Indians—and actions must be taken so that these enactments can no longer be terminated by a Civil Servant.

And to this I will every pray.

Respectfully Yours,

(Sgd.) ANDREW PAULL,
Grand Chief, President.

EXCERPT FROM DOMINION AND PROVINCIAL LEGISLATION
1867-1895, Page 1204

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 23rd January, 1875

Department of Justice,
Ottawa, 19th January, 1875.

The undersigned has the honour to report:—

That the Act passed by the legislature of the province of British Columbia, in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, is the following:— No. 2, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia."

The title of the Act explains its object. It is a consolidation of the laws relating to the recording and pre-emption of lands, the surveying and sale of them; the regulation of miners' rights, etc.

By its concluding section, the Act is not to come into force, until the Lieutenant-Governor's assent thereto has been proclaimed by notice in the *British Columbia Gazette*.

The 2nd. or interpretation clause, defines that the words "Crown lands" shall "mean all lands of this province held by the Crown in free and common socage".

It is probably through inadvertence that this definition has been made, and that the tenure of free and common socage which is that of freehold under grant from the Crown, is made applicable to lands of the Crown held as such by the Crown as lord of the soil.

Were it an intentional definition, it could only then mean a recognition of the Indian sovereignty therein, and that Her Majesty is tenant by freehold.

Abandoning, therefore, this statutable definition, which is inapplicable, the words "Crown Lands", may, for the purpose of this memorandum, be considered to mean all lands in the province vested in the Crown of which no grant had been made.

A distinction is made between "unsurveyed land" and "surveyed land".

As to "unsurveyed land", it provides that any person qualified under that section may record any tract of unoccupied, unsurveyed and unreserved Crown lands (not being an Indian settlement) not exceeding the extent mentioned:

"Provided that such right shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council."

The record is done by stating and marking out the boundaries of claim, and making a declaration in respect thereof.

As to "surveyed land", it is defined by 23rd section.

A provision is made by the 24th section as to who may pre-empt any tract of surveyed, unreserved, unoccupied and unrecorded land (not being an Indian settlement), and a similar proviso to that abovementioned prohibits the aborigines of the continent the right of pre-empt are known as "home settlers".

The undersigned deems it proper to notice that there is not in this Act any reservation of lands in favour of the Indians or Indian tribes of British Columbia; nor are the latter thereby accorded any rights or privileges in respect to lands, or reserves, or settlements.

On the contrary, the right to record unsurveyed land, or to pre-empt surveyed land, is expressly enacted not to extend to any of the aborigines, except such as shall have obtained permission in writing of the Lieutenant-Governor in Council.

Nor can the undersigned find that there is any legislation in force in British Columbia which provides reservations of lands for the Indians, the only ordinance in that respect being one of the 15th March, 1869, which speaks of Crown lands in the colony being Indian reserves or settlements.

The undersigned refers to the Order in Council, under which the province of British Columbia was admitted into the Dominion, and particularly the 13th section as to the Indians which is as follows:—

"The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion

government, and a policy as liberal as that hitherto, pursued by the British Columbia government shall be continued by the Dominion government after the Union. To carry out such policy tracts of land of such extent as it has hitherto been the practice of the British Columbia government to appropriate for that purpose, shall from time to time be conveyed by the local government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion government: and in case of disagreement between two governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

The question as to the provision which has been made of reserves for the Indians, has been the subject of an Order of the Governor General in Council, dated 4th November, 1874, and it is not necessary therefore, to enter upon a discussion of the merits of the case.

But having regard to the known, existing and increasing dissatisfaction of the Indian tribes of British Columbia at the absence of adequate reservation of lands for their use, and at the liberal appropriation for those in other parts of Canada upon surrender by treaty of their territorial rights, and the difficulties, which may arise from the not improbable assertion of that dissatisfaction by hostilities on their part, the undersigned deems it right to call attention to the legal position of the public lands of the province.

The undersigned believes that he is correct in stating that with one slight exception as to land in Vancouver Island surrendered to the Hudson Bay Company, which makes the absence of others the more remarkable, no surrender of lands in that province has ever been obtained from the Indian tribes inhabiting it, and that any reservations which have been made, have been arbitrary on the part of the government and without the assent of the Indians themselves, and though the policy of obtaining surrenders at this lapse of time and under the altered circumstances of the province, may be questionable, yet the undersigned feels it his duty to assert such legal or equitable claim as may be found to exist on the part of the Indians.

There is not a shadow of doubt, that from the earliest times, England has always felt it imperative to meet the Indians in council, and to obtain surrenders of tracts of Canada, as from time to time such were required for the purposes of settlements.

The 40th article of the treaty of capitulation of the city of Montreal, dated 8th September, 1760, is to the effect that,

"The savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit if they chose to remain there".

The proclamation of King George III, 1763, erecting within the countries and islands ceded and confirmed to Great Britain by the Treaty of the 10th February, 1763, four distinct governments, styled Quebec, East Florida, West Florida and Grenada, contains the following clauses:

"And whereas, it is just and reasonable and essential to our interests and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories, as not having been ceded to us, are reserved to them, or any of them declare it to be our royal will and pleasure that no governor or commander-in-chief, in any of our colonies of Quebec, East Florida or West Florida, do presume upon any pretense whatever to grant warrants of survey or pass any patents for lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest; or upon any lands

whatever, which, not having been ceded to or purchased by us, as aforesaid, are reserved to the said Indians, or any of them; and we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection and dominion, for the use of the said Indians, all the land and territories not included within the limits, and territory granted to the Hudson Bay Company, as also all the land and territories laying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatsoever, or taking possession of any of the lands above reserved without our special leave and license for that purpose first obtained. And we do further strictly enjoin and require all persons whatsoever, who have either willfully or inadvertently seated themselves upon any land within the countries above described, or upon any other lands, which not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council strictly enjoin and require that no private person do pressure to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where we had thought proper to allow settlements; but if at any one time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to held for that purpose by the governor or commander-in-chief of our colony, respectively, within which they shall be; and in case they shall be within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever; provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade from the governor or commander-in-chief of any of our colonies, respectively, where such personnel shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the governors and commander-in-chiefs of all our colonies, respectively, as well as those under our immediate government, as those under the government and direction of proprietaries, to grant such license without fee or reward, taking special care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of the Indian Affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treason, misprision of treason, murder or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed, of which they shall stand accused, in order to take their trial for the same."

It is not necessary now to inquire whether the lands to the west of the Rocky Mountains and bordering on the Pacific Ocean, form part of the lands claimed by France, and which, if such claims were correct, would have passed by cession to England under the Treaty of 1763, or whether the title of England rests on any other ground, nor land now known as British Columbia.

It is sufficient, for the present purposes, to ascertain the policy of England in respect to the acquisition of the Indian territorial rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia.

It is true, also, that the proclamation of 1763, to which allusion has been made, was repealed by the Imperial Statute 14 George III, Chapter 23, known as The Quebec Act; but that statute merely, so far as regards the present case, annuls the proclamation, "so far as the same relates to the province of Quebec, and the Commission and the authority thereof, under the authority whereof, the government of the said province is at present administered", and the Act was passed for the purpose of effecting a change in the mode of the civil government of the administration of justice in the province of Quebec.

The Imperial Act, 1821, 1st and 2nd George IV, Chapter 66, for regulating the fur trade and establishing a criminal and civil jurisdiction within certain parts of North America legislates expressly in respect to the portion of this continent which is therein spoken of as "the Indian territories", and by the Imperial Act, 1849, 12 and 13 Victoria, Chapter 48, "An Act to provide for the administration in Vancouver Island". The last-mentioned Act is recited, and it is added on recital that "for the purpose of the colonization of that part of the said Indian territories called Vancouver Island, it is expedient that further provision should be made for the administration of justice therein."

The Imperial Act 1858, 21 and 22 Victoria, Chapter 98, "An Act to provide for the government of British Columbia," recites, "that divers of Her Majesty's subjects and others have by the license and consent of Her Majesty resorted to and settled on certain wild and unoccupied territories on the North-west coast of North America, now known as 'New Caledonia', from and after the passing on the Act to be named British Columbia, and the island adjacent," etc.

The determination of England, as expressed in the proclamation of 1763, that the Indians should not be molested in the possession of such parts of the dominions and territories of England as, not having been ceded to the King, and reserved to them, and which extended also to the prohibition of purchase of lands from the Indians, except only to the Crown itself—at a public meeting or assembly of the said Indians to be held by the Governor or Commander-in-chief—has, with slight alterations, been continued down to the present time either as the settled policy of Canada, or by legislative provision of Canada, to that effect, and it may be mentioned that in furtherance of that policy, so lately as in the year 1874, treaties were made with various tribes of Indians in the North-west Territories, and large tracts of lands lying between the province of Manitoba and the Rocky Mountains were ceded and surrendered to the Crown upon conditions of which the reservation of large tracts for the Indians, and the granting of annuities and gifts annually, formed an important consideration; and in various parts of Canada, from the Atlantic to the Rocky Mountains, large and valuable tracts of land are now reserved for the Indians as part of their consideration of their ceding and yielding to the Crown their territorial rights in other portions of the Dominion.

Considering, then, these several features of the case, that no surrender or cession of their territorial rights whether the same be of a legal or equitable nature, has been ever executed by the Indian tribes of the province—that they allege that the reservations of land made by the Government for

their use, have been arbitrarily so made, and are totally inadequate to their support and requirements, and without their assent—that they are not averse to hostilities in order to enforce rights which it is impossible to deny them, and that the Act under consideration not only ignores those rights, but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant-Governor;—the undersigned feels that they cannot do otherwise than advise that the Act in question is objectionable, as tending to deal with lands which are assumed to be the absolute property of the province, an assumption which completely ignores as applicable to the Indians of British Columbia, the honour and good faith with which the Crown has, in all other cases, since its sovereignty of the territories in North America, dealt with their various Indian tribes.

The undersigned would also refer to the British North America Act, 1867, section 109, applicable to British Columbia, which enacts in effect that all lands belonging to the province shall belong to the province, "subject to any trust existing in respect thereof, and to any interest, other than that of the province, in the same".

That which has been ordinarily spoken of as the "Indian title" must, of necessity, consist of some species of interest in the lands of British Columbia.

If it's conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a "trust existing in respect thereof," at least "to an interest other than that of the province alone".

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with a view of communication on the subject with the Lieutenant-Governor of British Columbia.

It may be anticipated that no practical inconvenience can arise from its disallowance should such be necessary, as the previously existing Crown land Act will probably suffice to enable the province to continue in the meantime, disposal of lands.

The undersigned, whilst commenting on this Act, deems it also expedient to call attention to that provision of the Order in Council under which the province of British Columbia entered confederation, which refers to the conveyance by the Province to the Dominion government, in trust, of public lands along the line of the Pacific Railway, throughout the entire length of British Columbia. It may, of course, be argued that there has been no actual commencement, within two years of the date of the Union, of the Canadian Pacific Railway; but having regard to the practical commencement of that work in the surveys which have been made along different portion of the contemplated route, the undersigned deems it his duty to note that no reservations are made in the Act now under consideration, and that without them, the recording and pre-emption of lands under this Act might be the subject of great embarrassment to the government of Canada, in the construction of the line or in the granting of any contracts for construction of portions of it.

He suggests, therefore, that this is a further subject on which it is desirable that communication should be had with the Lieutenant-Governor of British Columbia.

I concur,

T. FOURNIER,
Minister of Justice,

H. BERNARD,
Deputy Minister of Justice.

"C"

President: ANDREW PAULL

GRAND COUNCIL
NORTH AMERICAN INDIAN BROTHERHOOD
OFFICE OF PRESIDENT

P. O. Box 211, North Vancouver, B.C.

June 29, 1959.

To the

Honourable Chairmen and Honourable Members
Indian Act Committee,
House of Commons
Ottawa, Ont.

Honourable Gentlemen:

Re: *Indian Reserve Foreshores*

From time immemorial, Indians in Canada used the foreshores of their Reserves for travel and for bringing into the Reserves the food which was necessary for their livelihood. It will be readily understood that travel by water was necessary because there were no roads.

I wish to point out that when Indian Reserves were allotted, the Indians were asked to point out the area where they wanted to retain for their use and benefit. It will readily be recognized that the Indians were not able to speak English or make themselves understood, but the physical facts as to their mode of living will indicate that the use of foreshores was most necessary to them.

As a glaring example of this historic situation I have herein attached some Interim reports of the Royal Commission on Indian Affairs in British Columbia, who were authorized by both Governments to finally settle Indian Reserve boundaries.

The undersigned was present when a land Surveyor surveyed Mission Reserve No. 1 of the Squamish Indians. He was reading from the field notes of the Regional Surveyor where it was recorded that there were iron posts on the water lots in the front of this Reserve as well as the other Reserves in Burrard Inlet. That was in the year 1907.

About the year 1924 W. E. Ditchburn, then the Indian Commissioner for the British Columbia, accompanied by Indian Agent, C. C. Perry, told the undersigned that the foreshore and water lots of all Indian Reserves in Burrard Inlet was the property of the Indian owners.

When the Squamish Indians domiciled on the Capilano Indian Reserve No. 5 surrendered a portion of their Reserve to the water works department for the city of Vancouver—it is recorded in the Book of Surrenders and Treaties that this surrender went down to low water mark.

The Royal Commission for British Columbia 1913-1916 having been in possession of all records, have reported that the foreshore of these Reserves is a property of the Squamish Indians, as will be seen by the Interim reports herein attached.

The report of the Royal Commission was approved and adopted by the Parliament of Canada in the year 1920 and we submit that no Minister of the Crown can erase this report of the Royal Commission.

During the month of September in the year 1917, without the knowledge of the Squamish Indians, the then Minister of Justice, gave a quick claim deed to the Vancouver Harbour Commissioners to the water lots fronting the 4 Indians Reserves in Burrard Inlet. We justifiably submit that the action of the Minister of Justice was without authority and was contrary to the report of the Royal Commissioners. The 1917 quick claim deed permitted the Vancouver Harbour Commissioners to retain 50% of the net revenue accruing from leases on the foreshore of these Reserves. The undersigned has been instructed by the Squamish Indians Band Council to ask our Trustees, the Government of Canada, to take such action whereby the Squamish Indians will now be given the money which has been wrongfully collected by the Vancouver Harbour Commissioners—the total amount to be credited to the Squamish Indian Account.

We have been advised that no Minister of the Crown has the right to exercise such tyranny over Indians, nor is it within the orbit of authority to dispossess Indians of what is rightfully the property of the Indians.

Respectfully yours,

(sgd.) ANDREW PAULL,
President.

Vol. I

Interim Report No. 5
of the

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF
BRITISH COLUMBIA

Made at Victoria, B.C. }
this 22nd day of July, 1913 }

To His Royal Highness

The Governor-General of Canada in Council:

and

To His Honour

The Lieutenant-Governor of British Columbia in Council:

The Commission, pursuant to Section 8 of the Agreement referred to in the Commission, has had under consideration the application of the Pacific Great Eastern Railway Company, for lands required for right-of-way purposes and forming part of the Mission Reserve No. 1 of the Squamish Tribe of Indians, and upon reading the said application and the correspondence and material on the File of the Department of Indian Affairs and examining the plans submitted and viewing the lands and premises, and it appearing that the said lands are required for right-of-way purposes by the said Company.

The Commission recommends that, subject to compliance with the requirements of the law, permission be given to the said Railway Company to enter forthwith upon the said lands and to acquire such parts thereof as have been applied for by such Company for right-of-way purposes, according to the plans filed in the Department in respect to such application, and

The Commission further recommends that proper means of access to and from the shore be guaranteed, and that care be taken in any grant or other disposition of the lands comprised in the said right-of-way to the said Railway Company to convey no privilege as to the foreshore other than the mere right-of-way, and

The Commission further recommends that before the amount of compensation for such lands be fixed and determined careful enquiry should be made as to land values in the locality.

All of which is respectfully submitted.

E. L. WETMORE,
Chairman.

Vol. I

INTERIM REPORT NO. 14

of the

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF
BRITISH COLUMBIA

Made at Victoria, B.C., this }
6th day of November, 1913 }

To His Royal Highness

The Governor-General of Canada in Council:

and

To His Honour

The Lieutenant-Governor of British Columbia in Council:

The Commission pursuant to Section 8 of the Agreement referred to in the Commission, has had under consideration the application of the Burrard Inlet Tunnel and Bridge Company to acquire certain lands required for railway purposes and forming part of the Seymour Creek Indian Reserve No. 2 of the Squamish Tribe, and upon reading the said application and the correspondence and material in respect thereto and examining the plans submitted, and it appearing that the said lands are required for railway purposes by the said Company.

The Commission recommend that, subject to compliance with the requirements of the law and to due compensation being made, permission be given to the said Company to enter forthwith upon the said lands and to acquire such parts thereof as have been applied for by such Company for such railway purposes, according to the plan filed in respect to such application and approved by the Board of Railway Commissioners for Canada on the 11th day of July, 1913.

All of which is respectfully submitted.

E. L. WETMORE,
Chairman.

Vol. I

INTERIM REPORT No. 43

of the

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE
OF BRITISH COLUMBIA

Made at Victoria, B.C., }
this 8th day of July, 1914 }

To His Royal Highness

The Governor-General of Canada in Council;

and

To His Honour

The Lieutenant-Governor of British Columbia in Council:

The Commission, pursuant to Section 8 of the Agreement attached to the Commission, has had under consideration the application of the Department of Public Works of Canada for permission to construct a wharf fronting and abutting upon Mission Indian Reserve No. 1 of the Squamish Tribe, and the letter of the 23rd June 1914, of the Department of Indian Affairs of Canada (Their File No. 368380) covering a communication dated the 17th June, 1914, from the Department of Public Works of Canada, with copy of a communication of the 4th June, 1914, from C. C. Worsfold, District Engineer for the Department of Public Works of Canada, respecting the said proposed wharf, shewn upon a plan prepared by the said District Engineer dated the 26th May, 1913, and described thereon as "Proposed Wharf".

The Commission having duly considered the said application and examined the said plan and the "locus" and being seized of the evident importance in the public interest of the said work being expeditiously proceeded with,

The Commission recommends that, subject to compliance with the requirements of the law and to due compensation being made for such portion of the land contained in the said mission Indian Reserve No. 1 and of the foreshore thereof as it may be necessary to acquire for the purposes of the said wharf, as well as for any foreshore and riparian rights and privileges interfered with, and to the reasonable requirements of the Indians as to ingress and egress being properly safeguarded, permission be granted to the said Department of Public Works of Canada to proceed with the construction of the proposed wharf as aforesaid.

All of which is respectfully submitted.

N. W. WHITE,
Chairman.

Vol. I

ROYAL COMMISSION ON INDIAN AFFAIRS

AGREEMENT

"MEMORANDUM OF AN AGREEMENT ARRIVED AT BETWEEN J. A. J. McKENNA, SPECIAL COMMISSIONER APPOINTED BY THE DOMINION GOVERNMENT TO INVESTIGATE THE CONDITION OF INDIAN AFFAIRS IN BRITISH COLUMBIA TO THE HONOURABLE SIR RICHARD McBRIDE, AS PREMIER OF THE PROVINCE OF BRITISH COLUMBIA.

"WHEREAS it is desirable to settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs generally in the Province of British Columbia, therefore the parties above named, have, subject to the approval of Governments of the Dominion and of the Province, agreed upon the following proposals as a final adjustment of all matters relating to Indian Affairs in the Province of British Columbia:—

1. A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners so named shall select a fifth Commissioner, who shall be the Chairman of the Board.

2. The Commission so appointed shall have power to adjust the acreage of Indian Reserves in British Columbia in the following manner:

(a) At such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficiently for the purposes of such Indians.

(b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians of that locality, the Commissioners shall fix the quantity that ought to be added for the use of such Indians. And they may set aside land for any Band of Indians for whom land has not already been reserved.

3. The Province shall take all such steps as are necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers above set out.

4. The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided equally between the Province at public auction.

5. The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this Clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.

6. All expenses in connection with the Commission shall be shared by the Province and the Dominion in equal proportions.

7. The lands comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion with full power to Dominion to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell

the said lands and fund or use the proceeds for the benefit of the Indians, subject only to a condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct, then any lands within the territorial boundaries of the Province which have been conveyed to the Dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, shall be conveyed or repaid to the Province.

8. Until the final report of the Commission is made, the Province shall withhold from pre-emption or sale any lands over which they have a disposing power and which have been heretofore applied for by the Dominion as additional Indian Reserves or which may during the sitting of the Commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall be referred to the Commissioners who shall thereupon dispose of the question by an Interim Report, and each Government shall thereupon do anything necessary to carry the recommendations of the Commissioners into effect.

Signed in duplicate at Victoria, British Columbia,
this 24th day of September, 1912.

(Signed) J. A. J. McKENNA,

(Signed) RICHARD McBRIDE.

Witness:

(Signed): E. V. BODWELL.

10-11 GEORGE V.

CHAP. 51

An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

(Assented to 1st July, 1920.)

Whereas by Memorandum of Agreement bearing date the twenty-fourth day of September, one thousand nine hundred and twelve, made between J.A.J. McKenna, Special Commissioner appointed by the Governor in Council to investigate the condition of Indian affairs in British Columbia, and the Honourable Sir Richard McBride as Premier of the Province of British Columbia, an Agreement was arrived at, subject to the approval of the Governments of the Dominion and of the Province, for the purpose of settling all differences between the said Governments respecting Indian lands and Indian affairs generally in the Province of British Columbia, and for the final adjustment of all matters relating thereto by the appointment of a Royal Commission for the purpose set out in the Agreement; and whereas by orders in council subsequently made by the respective Governments of the Dominion and the Province the said Agreement was approved, subject to the further provision that, notwithstanding anything in the said Agreement contained, the acts and

proceedings of the Royal Commission shall be subject to the approval of the two Governments, and that the Governments agree to consider favourably the reports, whether final or interim, of the Royal Commission, with a view to give effect as far as reasonably may be to the acts, proceedings and recommendations of the Royal Commission, and to take all such steps and proceedings as may be reasonably necessary with the object of carrying into execution the settlement provided for by the Agreement in accordance with its true intent and purpose; and whereas a Royal Commission on Indian affairs for the Province of British Columbia was duly appointed for the purpose of carrying out the said Agreement; and whereas the said Royal Commission has since reported its recommendations as to land reserved and to be reserved for Indians in the Province of British Columbia, and otherwise for the settling of all differences between the said Governments respecting Indian lands and Indian affairs generally in the said Province: Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The British Columbia Indian Lands Settlement Act.

2. To the full extent to which the Governor in Council may consider it reasonable and expedient the Governor in Council may do, execute, and fulfil every act, deed, matter or thing necessary for the carrying out of the said Agreement between the Governments of the Dominion of Canada and the Province of British Columbia according to its true intent, and for giving effect to the report of the said Royal Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the Province.

3. For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the Indian Act to the contrary, and may carry on such further negotiations and enter into such further agreements with the Government of the Province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.

Province of Nova Scotia }
County of Cape Breton SS. }

To: THE RIGHT HONOURABLE LOUIS ST. LAURENT
Q.C., P.C., LL. D.

PRIME MINISTER OF CANADA

AND TO

THE HONOURABLE MEMBERS OF THE CABINET

*Brief on behalf of the Indian Micmac
Tribes of the Province of Nova Scotia*

Honourable Sirs:

For many years past, the Government of Canada rightly recognizing its responsibilities to its Indian Population in the matter of health services established by ancient treaties and by convention has through its Minister of National Health provided care, treatment and hospitalization for the sick and

infirm Indians of this Province without discrimination. Through the construction and maintenance of Indian Hospitals staffed, for the most part, by competent and trained personnel, those resident in rural areas of the Province have been receiving a standard of care commensurate almost with that available in larger urban areas and it is our belief that much the same situation exists in other Provinces of Canada. It was the recognition of this principle, and with due reliance that the Convention of the Grand Council of the North American Indian Brotherhood convened at Ottawa on the 28th day of May of last year was moved to pass the following Resolution:

"We regard the care of Indian Health to be the responsibility of the Canadian Government," The Indian population of this Province with other citizens of Canada are cognizant of the rising costs of hospitalization and of medical care and it is for this reason that the recent statement of policy as enunciated by the Deputy Minister of National Health, in answer to the above resolution and as contained in his letter to Mr. Andrew Paull, President of the Grand Council of the North American Indian Brotherhood under date of 18th June, 1956, has been a matter of grave concern to the Indians of this Province as well as on a national scale. The text of this letter follows:

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

Office of the Deputy Minister of National Health

Ottawa, June 18, 1956

Mr. Andrew Paull,
P.O. Box 211,
North Vancouver,
B.C.

Dear Mr. Paull:

The Deputy Minister of Citizenship & Immigration has brought to my attention the resolution passed at your Ottawa meeting May 28-30, which is in part:

"We regard the care of Indian Health to be the responsibility of the Canadian government."

The subject of free medical services to Indians residing on the reserve, regardless of their financial position, whether as individuals or as a Band, has been given serious consideration by this Department.

Certain Bands have sufficient funds to contribute to their Medical care from their Band Fund revenue. In other instances large numbers from reserves are employed in industry earning the same wages and having the same opportunities as their fellow workers.

There are other cases of individual Indians in various walks of life who have good average incomes. It is the intention of the government to ask individuals or Bands that are in a financial position to do so, to make their own arrangements for medical care. Officials of Indian Health Services will give every assistance in advising Indians or Bands regarding either individual or group insurance. It is the intention of this department to continue Public Health Service, Public Health nursing, tuberculosis control, and the care of the mentally ill and to make sure that no Indian is deprived of treatment through his lack of ability to pay. It is our belief that having to assume some responsibility for himself and for his family will tend to make the Indian more self-reliant.

I trust that you and the officers of your Brotherhood will endorse this policy, and advise your people to accept it with good grace and to co-operate with officials of the Indian Health Service. It is the intention of the department to make every effort to improve medical care to the less fortunate Indians who are so situated that they have little opportunity for gainful employment. Indians working in Industry should take every opportunity to avail themselves of group insurance where it is available to employees, and be in the same category as their fellow workers.

Yours very truly,

(Sgd) G. D. W. Cameron,

G. D. W. Cameron, M.D., D.P.H.,
Deputy Minister of National Health.

Inasmuch as we regard this letter written to Mr. Paull as President of the Grand Council of the North American Indian Brotherhood as an attack on our rights we have thought fit to bring this matter to your attention in an attempt to see that justice is done to our people.

The opening paragraph of his Departmental Directive must be indicative of a withdrawal from the conventions established in the past inasmuch as it contemplates an ill defined means test and if the Directive is to be effective must be applicable to every Indian regardless of situation, age, sex or health and in operation can only result in consequent anxiety and delay. Many of our aged and sick are unable to either read or write and the necessity of compliance with an involved procedure can work great hardship.

The Deputy Minister further states "Certain Bands have sufficient funds to contribute to their medical care from their Band Fund revenue". At the present time the Band Fund is an aggregate one built up over a period of years and will when divided among the various reserves we are reliably informed work out to approximately thirty eight (\$38.00) dollars per capita. In all fairness to the Deputy Minister we do not believe that he was in possession of these figures when he made this statement or if he was that he had the Micmac Tribes of this Province in mind.

The Deputy Minister continues—"There are other cases of Individual Indians in various walks of life who have "good average income". We are wondering what standard Dr. Cameron has used in determining what constitutes a "good average income". The Province of Nova Scotia with the other Atlantic Provinces has for years past been considered backward and as noted from press reports of the finding of the Gordon Commission, wages are generally 37% lower here than in the rest of Canada. The opportunities available to Indians in Nova Scotia are pathetically few. Some of our people in the urban centers have been able to secure employment as unskilled labourers and possibly one or two have become small jobbers but for the most part the majority eke out a precarious living in centers far removed from the opportunity of gainful employment. None of our people in the memory of your subscribers have risen to the professions and few if any have acquired trades. Yet by virtue of the obscure few who receive "good average incomes" he would seek to impose a means test on the majority of our people.

Where it has no direct bearing on our plight, it is further noted that the Deputy Minister by way of assurance says that, "it is the intention of this department to continue public Health Service, etc." we submit that the supply of these services is the primary function of this Department and that as such these services are available not only to Indians but to all the Citizens of Canada and have no bearing whatsoever on the care of Indian Health.

In accordance with the Deputy Minister's proposed policy the Regional Director of Indian Health Services in a recent address to the Reservation Band Council at Eskasoni, Cape Breton, stated among other things that rising costs of medical services to Indians now amounts to four million dollars a year for all Indians of Canada and that henceforth no surgical operations to our sick and afflicted could be performed without the permission of the Federal Government. This Regional Director also pointed out that in addition to those who are able to pay for their medical services, they will be asked to pay for their health insurance which will amount to eighty-four dollars a year, and since the Indians are able to obtain for themselves luxuries of life such as cars, television sets, etc. they could also make sacrifices in the use of tobacco and smokes in order to provide their own medical care.

It is submitted that in the light of other charges upon the public the costs of Indian care per capita on the basis of the total figure of \$4,000,000.00 for services to 158,000 Indians in Canada is relatively small and that this figure itself could be reduced through more active administration of this Department. At the present time especially in rural areas every case is considered to be a hospital case regardless of the condition of the individual and this condition should not exist.

In the knowledge of your subscribers the economic plight of the Indian in Nova Scotia is such that no Indian is in a favourable enough financial position to make arrangements for medical care and hospitalization through the existing agencies at an estimated cost of \$84.00 per year. We have no knowledge of any Indian who enjoys financial security in the accepted sense of the term. It is difficult to subscribe to the fact that Indians who have what are now considered to be the bare necessities of life are deemed to be living in luxury. Surely the fact that a few Indians have acquired second hand cars or trucks for purposes of transportation or of making a living does not place them in the luxury class.

It is our considered opinion that in enunciating such a policy the Deputy Minister did so without a full knowledge of the facts; that his proposed new policy is discriminatory and unworkable and in the guise of departmental regulation is an attempt to assume unto himself the powers of the Legislature in depriving the Indians of this country of what remains of their ancient rights.

It is submitted therefore that since the white man took our country with all its riches, without adequate compensation, it is the least that the Government should regard as their bounden obligation to carry out the duty of continuing free medical care and hospitalization to all individuals regardless of their ability to pay.

All of which is respectfully submitted by the undersigned as representing the Indian Micmac Tribes of the Province of Nova Scotia.

Dated at Sydney in the County of Cape Breton, Province of Nova Scotia, this 22nd day of January A.D., 1957.

Signed by Ben E. Christmas and three others.

Fourth Session—Twenty-fourth Parliament

1960-61



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and

Mr. Lucien Grenier, M.P.

MINUTES OF PROCEEDINGS

No. 16

TUESDAY, MAY 30, 1961 to

FRIDAY, JULY 7, 1961

(16 In Camera Meetings)

INCLUDING SECOND AND FINAL REPORT
TO PARLIAMENT
ALSO INDEX TO BRIEFS (1959-1960-1961)

WITNESSES:

From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; R. F. Davey, Chief of Education Division; and C. I. Fairholm, Executive Assistant to the Director.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Lucien Grenier, <i>Joint Chairman</i> ,	Miss J. LaMarsh,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. R. Muir (<i>Cape Breton North and</i>
Mr. J. A. Charlton,	<i>Victoria</i>),
Mr. F. J. Fane,	Mr. J. N. Ormiston,
Mr. D. R. Gundlock,	Hon. J. W. Pickersgill,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
*Mr. A. R. Horner (<i>The Battlefords</i>),	Mr. W. H. A. Thomas,
Mr. F. Howard,	Mr. J. Wratten—24.
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

*Replaced by Mr. J. Slogan after the morning sitting of May 30.

ORDER OF REFERENCE
HOUSE OF COMMONS

TUESDAY, May 30, 1961.

Ordered,—That the name of Mr. Slogan be substituted for that of Mr. Horner (*The Battlefords*) on the Joint Committee on Indian Affairs.

Attest.

LÉON J. RAYMOND,
Clerk of the House.

REPORT TO THE SENATE AND HOUSE OF COMMONS

SATURDAY, July 8, 1961

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

SECOND AND FINAL REPORT

The Joint Committee of the Senate and the House of Commons on Indian Affairs was reconstituted by those Houses of Parliament on January 25th and January 18th respectively to continue the examination and consideration of the Indian Act and Indian administration in general, and in particular on the social and economic status of the Indians, begun during the 1959 Session of Parliament and continued during the 1960 Session of Parliament.

During the present session your Committee completed its examination of Indian administration and thoroughly reviewed the Indian Act. Thirty-five additional witnesses were heard this session. Since June, 1959, there have been 97 meetings and over 100 witnesses have been heard. In addition, included in the Minutes of Proceedings and Evidence, as appendices thereto, are eighty written submissions received by your Committee from Indian organizations and bands, provincial governments, church authorities and other organizations and groups interested in the welfare and advancement of the Indian Canadian.

General

It became quite evident early in the proceedings, not only from the content of the briefs and submissions made but as well in the quality and manner of presentation, that the winds of change have been blowing through the ranks of Indian people and that there is also a growing awareness and recognition of their problems and needs amongst the non-Indian population.

The time is now fast approaching when the Indian people can assume the responsibility and accept the benefits of full participation as Canadian citizens. Your Committee has kept this in mind in presenting its recommendations which are designed to provide sufficient flexibility to meet the varying stages of development of the Indians during the transition period.

It is the view of the Committee that the government should direct more authority and responsibility to Band Councils and individual Indians with a consequent limitation of ministerial authority and control, and that the Indians should be encouraged to accept and exercise such authority and responsibility.

Your Committee believes that the advancement of the Indians towards full acceptance of the responsibilities and obligations of citizenship must be without prejudice to the retention of the cultural, historical and other economic benefits which they have inherited.

In preparing this report, your Committee has grouped their findings and recommendations under nine major headings.

I Indian Status and Band Membership

Your Committee heard considerable evidence about the problems created from the application of the present membership provisions of the Indian Act, particularly with respect to adoptions, illegitimate children and Indian women marrying non-Indians.

(a) Your Committee recommends that Indian status and the right to band membership be extended to any child legally adopted by a member of a band and conversely that any Indian child legally adopted by non-Indians should cease to have Indian status and membership rights. Your Committee believes that in either case the adopted child should be placed in the same relation to its adoptive parents as if it were a natural child.

Your Committee believes that the existing provisions of the Indian Act regarding the status and membership rights of illegitimate children born to Indian women are both inadequate and inequitable, and that changes should be made to conform to provincial laws where possible, while retaining the Indian status and rights on application of the mother and the consent of the Band.

(b) It was the opinion of your Committee that it was the unanimous feeling of those affected that the word 'enfranchisement' should no longer be used to indicate the process by which an Indian relinquished or gave up his status as an Indian under the Act. The Committee recommends that all Indians classified as such under the Act, should continue to be included as they are on a general register, and that the appearance of their names on the register established their right to this status.

If any individual over the age of twenty-one desired to relinquish this status, he could make application to have his name taken off the register, and we feel that this method of dealing with the problem by apt words, of an amendment, is all that is required, without there being the use of any specific term or phrase.

Any child under the age of twenty-one whose name appears on the register at the time his or her parents have been removed from the same, may within one year after reaching twenty-one years of age, elect to be removed from the register. The per capita share of such child at the time the parents are removed shall remain in the band funds and can be paid to the child on an election to be removed from the register.

The Committee also considered the situation which might apply in the case of an Indian woman marrying a non-Indian and being removed from the register. It was felt that a period of five years time should be fixed before she would be entitled to receive her per capita share of band funds, and during that interval retain the right to return to her reserve. No Indian shall be entitled to more than one per capita share of the band funds.

II. Use, Management and Development of Indian Reserves and Resources

(a) While endorsing the principle of Indians having individual property rights on their reserves, your Committee is aware that conflicts of interest can and do arise between a band and individual members. In order to meet existing difficulties your Committee recommends that the Indian Act be amended to permit Indians to be formally recognized as in lawful possession of land, despite the lack of a formal allotment by a band council, when the individual or his predecessors in title have had undisputed possession of land for a period of twenty years. Your Committee further recommends that as a means of ensuring that reserve lands are used in the best interests of the band, the Indian Act be amended to provide for councils allocating land to individual members on a conditional basis.

Your Committee believes that some bands are quite capable of assuming and should be encouraged to assume the managerial authority over their lands that can be given to them pursuant to Section 60 of the Indian Act. Your Committee recommends that as a preliminary step to this end the Indian Act be amended to enable band councils, which are in the opinion of the Minister capable and organized, to take on the responsibility to issue leases of reserve lands for a term not to exceed five years in duration without the necessity of securing a surrender for lease from the band and/or approval of the Minister.

Your Committee recommends further that progressively the Indian Affairs Branch should withdraw from the management of lands in the possession of individual band members and that the Indian Act be amended to enable the Minister to give individual Indians the right to lease their lands for designated purposes.

Your Committee, having been made aware of the fact that the economic development of some reserves is being retarded due to the inability of the Indians to distinguish between permanent loss of possession following a surrender for sale and a temporary loss of possession following a surrender for lease, recommends that the Act be amended to clearly show the distinction and specifically that the word "surrender" be confined in its interpretation to surrender for sale.

(b) The real and personal property of an Indian or a band situated on a reserve cannot be mortgaged to anyone other than an Indian, nor is it subject to attachment, seizure or execution except at the instance of an Indian. Your Committee realizes that such restrictions may have been desirable in years gone by and to some degree may still be desirable. However, they now bar the more progressive Indians from the ordinary sources of credit available to non-Indians. In addition, they enable bands to avoid what should be their just liabilities. Your Committee has no wish to place reserve lands in a position where they can be mortgaged to non-Indians or seized following legal process by non-Indians. It does not however view the personal property of an Indian or a band in the same light and recommends that the Indian Act be amended to:

- (i) Enable individual Indians to irrevocably waive the protection of Section 88 as regards their personal property, subject to provision for adequate personal exemptions.
- (ii) Enable the revenue moneys of a band to be attached in respect of judgments secured against the band for damages occasioned by the actions of the band, its servants or agents or arising out of unfulfilled contracts entered into by the band, if necessary by incorporation on request of the band.

III. *Election and Authority of Band Councils*

Sections 73 to 79, inclusive, of the Indian Act make provision for the election of Band Councils. Generally speaking, the requirements for Band Council office are that a person be twenty-one years of age and ordinarily resident on the particular reserve within which an election is being conducted. The number of councillors is governed by the number of members of the band; i.e., one councillor for each one hundred members with a minimum of two and a maximum of twelve councillors, and not more than one chief. The term of office is for two years.

Your Committee received a number of representations that the two year term was insufficient as it did not allow a chief or a councillor to proceed with any degree of continuity with some projects before his term of office expired. Your Committee feels that it is essential to the preservation of democracy and advancement of the Indian people that the elective system prevail with short

frequencies between elections. However, there is some basis to the argument that continuity is an important factor in band administration. Therefore your Committee recommends that the term of office for Band Council members be for a period of not more than three years, with one-third of the council being elected each year.

There is a certain disability experienced by some band members who, for various reasons, may not be ordinarily resident on a reserve and who are thereby unable to vote at Band Council elections. Your Committee recommends that all band members who are otherwise qualified be allowed to vote at Band Council elections and on any other matters affecting the band if such members are present on their respective reserves at the time that an election is held.

Sub-section (3) of Section 73 provides that the Governor in Council may make regulations to the effect that a chief shall be elected by the band members or from among the elected councillors. Your Committee recommends that the chief be elected by the band members rather than from among the elected council. Further, we recommend that an oath of office be taken in order that some degree of responsibility and authority may be felt by Band Council members.

The Chief of a band now has no specific authority or function assigned to him by the Act, but in practice he is considered to be in possession of more authority than a member of the council. We recommend that the Act should set out certain duties and authorities of the chief. In general, these should be that the chief councillor is the chief executive officer of the band and that it is his duty to see that the laws applicable to the band be enforced.

Your Committee recommends that provision be made in the Act for filling a vacancy in a Band Council as soon as possible after such a vacancy occurs.

Some bands asked for payment from the Federal Treasury to Band Council members for work performed on behalf of the band. While the Committee believes that payment for such services is compatible with our present-day concepts, such payments should not come from the Federal Treasury. Since freedom and independent authority of the band is of paramount importance, we feel that payments from the Federal Treasury would perpetuate the present reliance on the Indian Affairs Branch and its officers; conversely it would delay the move towards self-government and self-determination for bands. Therefore, payment to Band Council members should be a matter for the exclusive determination of the band itself and such payments could come from band funds or from local taxes levied by the band upon band members.

Many Bands seem unfamiliar with the Indian Act, especially with those provisions relating to the authority of bands and Band Councils. Your Committee feels that greater independence and self-government will come from proper understanding of the Act and increased activity of the band in its own administration. Your Committee recommends that an extensive educational program be embarked upon by the Indian Affairs Branch, in conjunction with universities and other agencies to acquaint Band Councils with the Indian Act and regulations thereunder and with the authorities and powers of Band Councils.

Section 68 of the Indian Act provides that the Governor in Council may permit a band to control and manage its revenue moneys. With the educational program outlined above, your Committee recommends that it be the definite policy of the government to move towards more self-governing bands and to this end more bands should be given control of their revenue funds.

Too many provisions of the Act allow a band to do certain things with the consent of the Minister or for the Minister to do certain things upon his own initiative. Similar discretionary powers are given to the Governor in Council.

One of the predominant themes of the Committee hearings was that Band Councils should have increased power, responsibility and authority. Your Committee concurs wholeheartedly and recommends that ministerial and governmental authority be decreased, with a concomitant increase in Band Council authority. An extension of the areas over which Band Councils have increased authority and power may result in errors, but they should profit by any mistakes and by accepting responsibility.

Section 80 provides that a Band Council may make by-laws for certain enumerated purposes, providing that such by-laws are not inconsistent with the Act or any regulations made thereunder. Such by-laws are subject to approval by the Minister. Section 82 allows the Governor in Council to declare that a band has reached an advanced stage of development and accordingly, subject to ministerial approval, the band council may make by-laws for the purposes enumerated. Briefly, it may be said that Section 80 deals with regulatory by-laws while Section 82 deals with taxation and money matters. Your Committee recommends that Sections 80, 81 and 82 be combined under one heading relating to by-laws and that Band Councils be given jurisdiction to make by-laws pertaining to such matters as are now contained in Sections 80 and 82, and to such additional matters as are necessary to expand the authority of bands over their own affairs, provided, however, that there are statutory safeguards relating to the expenditure of moneys. Further it is recommended that ministerial authority be confined to assisting Band Councils in the preparation of such by-laws, and authority to initiate proceedings to inquire into the validity of by-laws.

It is rather difficult for the Committee to assess the relative stages of advancement of bands or to establish or recommend criteria which must be met before a band is able to govern itself. Undoubtedly, an educational program in the field of Band Council functions will provide a better analysis. Your Committee hopes that bands will soon be in a better position to govern themselves and to determine their own destiny so that they will require progressively less supervision from the Indian Affairs Branch. When such a stage is reached, it is recommended that the Federal Treasury make per capita grants on an unconditional basis to such bands as elect their Band Councils in accordance with the Act.

Section 72 of the Act provides that the Governor in Council may make regulations for a variety of matters therein enumerated, many of which coincide with the matters contained in Section 80. It is the feeling of the Committee that the authority of the Governor in Council as contained in Section 72 should remain intact, but that such regulations should be made only where a Band Council fails or refuses to adopt by-laws and such failure or refusal results in circumstances which are detrimental to the Band or others. Your Committee hopes that the consequence will be that the Governor in Council eventually will not be required to make regulations pursuant to Section 72.

IV Use and Management of Band Funds

Section 64 of the Act provides that the Minister may, with the consent of the Band Council, authorize expenditures or loans to band members from capital funds. The amount of capital funds which may be sufficient for the needs of one band might be insufficient for another as the number of members in a band would be a determining factor.

Section 69 establishes a revolving fund of \$1,000,000.00 from consolidated revenue from which loans may be made to Indians or groups of Indians for certain purposes. It was thought that the establishment of the revolving fund

would assist those bands which did not have sufficient capital funds. This fund has served a useful purpose since it has been established although there were some complaints its operation was too restrictive.

It would appear to your Committee that greater responsibility should be placed upon the band in matters of credit. Greater band participation in such activities would enhance the educational process and as well provide a useful credit service to band members. In those cases where band funds are sufficient, your Committee is of the opinion that Indians needing financial assistance should look to those funds. Section 64 does not allow a band to take adequate security on such loans or to make foreclosures in cases of default. Your Committee feels that this is a deficiency which should be corrected.

The regulations with respect to revolving fund loans permit the Minister to sell or otherwise dispose of any property, which, by the terms of any security taken for a loan, may be sold or disposed of on default of repayment of the loan. Your Committee recommends that similar authority be given to Band Councils with respect to defaulted loans.

With respect to those bands which do not have sufficient band funds to make loans it is recommended that a system of making secured loans to such bands for re-loan to band members be instituted. The most probable base for securing such loans, with the exception of land, would seem to be the natural resources of the band. Under this system, as envisaged by the Committee, it would also be necessary for the individual to pledge some security just the same as if he were borrowing money under Section 64. There should be some additional incentive to ensure that loans are not irresponsibly applied for and granted and there should be some community of interest between the band member and the band. The resources of the band supply this in part, while another security should be that the per capita share in band funds of the member so borrowing be subject to attachment in case of default of the loan.

In order that band funds may be protected to the fullest extent against possible misuse by band councils, it is recommended that an appropriate penalty be established for misuse of funds.

V Education and Development of Human Resources

Your Committee is of the opinion that the key to the full realization by Indians of self-determination and self-government and mutual self-respect for the heritage and culture of Indians and non-Indians will be found in the field of education. For some years now there has been a move toward education of Indian children in schools which are under the jurisdiction of provinces. Your Committee is in full accord with the program and would strongly urge and recommend that it be continued and expanded. We look forward to the day, not too far distant, when the Indian Affairs Branch is not engaged in the field of education, except insofar as sharing in the costs.

The question of amalgamated schools brings with it problems arising out of cultural differences, language barriers and economic status. However, these differences can be overcome; indeed they must be overcome. They should at no time be allowed to interfere with the desire for education. Further, such differences should in no way be allowed to influence the feelings of educators to the effect that a certain cultural background is equated with a certain intellectual capability for your Committee feels that such is not the case.

In the Indian community the Indian child receives a different kind of home education than non-Indians which influences him in his formal school work. In this regard the position of a teacher of Indian children assumes a

very important role. A large degree of emphasis by the teacher must be placed upon individual development as distinct from cultural change. It would be well to note here that many non-Indian children have the benefit of kindergarten training. We recommend that kindergartens be also made available to Indian children.

Education is necessary if Indian people are to be able, properly and competently, to fit into our economic and social structure and to effectively fill the role which will be demanded of them in years to come, as spokesmen and leaders of their own people. At the same time, non-Indians must be prepared to accept, understand, appreciate and respect the background, culture, language and arts of the Indian people. The importance of mutual understanding and co-operation must be stressed.

Your Committee is of the opinion that a more comprehensive and accurate account of the Indian people should be described in the history books available to all Canadians. We recommend that the various provincial authorities be approached with a view to having history courses and texts refer more extensively to the Indian background and his contributions to the development of Canada.

There are many Indian adults who have not had the same opportunity as non-Indians in obtaining a formal education. It would appear to the Committee that there is a lack of facilities available for the adult education of Indian people. We recommend that, wherever possible, agreements be entered into with Provincial authorities for the extension of adult educational facilities to adult Indians. This also is a field which the Indian Affairs Branch could profitably explore with a view to instituting an organized adult educational program.

Your Committee is of the opinion that adult education among Indian adults differs from that available to, and required by, non-Indian people in at least two respects. One of these stems from the fact that many older Indian people are not literate in either of the official languages of Canada; the other is that some Indian communities form a cohesive cultural and racial entity. In the education of Indian adults, it would seem that a certain degree of instruction is necessary in the basics of reading and writing. We believe that the goal should be the awakening of desires to learn rather than the straight imparting of knowledge.

Your Committee is of the opinion that the latent abilities of the Indian people arising from their heritage should be fostered. An adult educational program should emphasize such fields as music, art, manual trades and physical education, and also courses in health and hygiene, child care, home economics, language construction, family budgeting, civic matters and the like.

Audio-visual aids to education such as movies and film strips are particularly important; their liberal use would be a major adjunct to any adult education program. We would emphasize that travelling libraries provide a great insight into many matters, and recommend that these facilities be expanded wherever possible.

The importance of vocational and technical training cannot be too strongly emphasized. It was brought to our attention that the Indians have a great deal of native ability and more advantage should be taken of facilities available for such training. In this regard we feel that the Indian Affairs Branch can play an important role in encouraging and promoting fuller participation by Indians in technical and vocational courses. Your Committee was gratified to learn of the experimental programs being undertaken to prepare young

Indians for placement or specialized training and recommends that the academic upgrading and social orientation courses be greatly expanded to meet the needs of the Indians, particularly in the 16-25 year age group.

Home and School Associations or Parent-Teacher Associations are quite complementary to an adult education program as well as to child education. We recommend that full support and encouragement be given to the formation of such associations.

Your Committee recommends that the fullest possible encouragement and incentive be continued to Indian children in order to ensure that they progress in school as far as their abilities permit. We hope that greater use will be made of the existing system of grants, bursaries and scholarships.

Development of human resources and economic advancement go hand in hand. Your Committee is of the opinion that before any great strides can be made in the matter of developing the human resources of the Indian people we must, along with an intensive educational program, develop the environment and economic opportunities within which these people live.

Your Committee feels that the various moving pictures and television plays which deal with Indians place them in an unfavourable light. We recommend that the Canadian Broadcasting Corporation and other agencies prepare factual presentations of the Indian way of life, with such plays to be produced in consultation with such agencies of government and the academic world as will provide accurate information on the Indian way of life and his contribution to the development of Canada.

VI *Health and Welfare*

(a) In recent years we have seen the various provincial governments enter into the field of hospital insurance coverage, with financial support from the Federal Treasury under the Hospital Insurance and Diagnostic Services Act, which provincial schemes cover Indian people.

Your Committee recommends that the question of the transfer of health services for Indian people to the provinces be a subject for discussion by a Dominion-Provincial Conference.

The importance of adequate diets amongst the Indian people was brought to the attention of the Committee. The use of pre-prepared and packaged foods may result in unbalanced diets. Information was presented that nutrition and diet guides are being made available to Indians. Your Committee recommends the continuation and expansion of this service, and further recommends that the field of nutrition be given a prominent place in the adult education program.

(b) There is considerable uncertainty at the present time with respect to social welfare benefits to Indians on and off reserves, because of the application of federal, provincial and municipal law and regulations. In addition, the Indian Act does not deal specifically with the social welfare field. Your Committee believes that wherever possible, existing provincial welfare legislation and services should be used for the benefit of the Indian population. Your Committee therefore recommends that this matter be placed on the agenda of a Dominion-Provincial Conference on Indian Affairs with a view to transferring the social welfare jurisdiction with respect to Indians to the provinces.

There appears to be an inadequate number of social workers available to our Indian people. Additional social workers would not only improve welfare services but would permit the Indian Superintendent to concentrate

on other matters. We recommend that a social worker be assigned to each Indian agency until such time as suitable arrangements may be made with provinces to provide social welfare services.

(c) It is clear from the statistics provided that many Indian families are not financially able to provide adequate homes for themselves. Accordingly, public funds must be used. The Committee recognizes the importance of improved housing facilities for Indians in raising their social and economic status. Your Committee therefore recommends a substantially increased public investment in the field of housing and sanitation facilities.

The loaning facilities available to non-Indians for housing do not meet the needs of Indians on reserves because of their system of land holding. While Indians may borrow money for housing purposes from band funds, there are many bands which do not have sufficient funds for that purpose. Therefore, your Committee recommends that a revolving loan fund for housing purposes be established.

VII Taxation and Legal Rights

(a) Your Committee heard considerable evidence concerning taxation of Indians and their property. Witnesses pressed for exemption from such forms of taxation as gasoline taxes, provincial sales tax, taxation of income earned off the reserve. Your Committee notes that under the Indian Act, Indian reserve lands and resources and revenue therefrom are exempt from taxation. Bearing in mind these exemptions, your Committee feels that Indians are entitled to all provincial services provided through collection of other lawful provincial taxes and, therefore, are not entitled to exemption from such taxes.

Your Committee recognizes that Indian commercial fishermen are entitled to special consideration. Your Committee, therefore, recommends that special depreciation allowances for income tax purposes be made to Indians on their commercial fishing boats and gear, where these boats are operated by an Indian owner and manned by an Indian crew.

Liquor

(b) In view of the fact that the possession and consumption of intoxicants OFF RESERVES by Indians is dependent on a request by the province, your Committee recommends that all existing liquor restrictions in the Indian Act be deleted; and that the same rights extended to non-Indian citizens of the various provinces be applicable to Indians, except that the right of possession and consumption ON THE RESERVE be granted only after the approval by a majority vote of the band.

Sale or barter of produce

(c) Your Committee recognizes that, if Indians are to learn to manage their own affairs, they should learn from experience. Your Committee, therefore, recommends that Sections 32 and 33 of the Indian Act which prohibit the Indians of the three Prairie Provinces from disposing of produce from their reserves, without a permit from the Superintendent, be deleted.

Estates

(d) In accordance with our expressed views that Indian people should be placed in the same position as non-Indians, both as regards privileges, as well as responsibilities, we recommend that the provincial courts should have jurisdiction to deal with the estates of Indian people.

VIII Indian Administration in General

(a) It is recommended that the subject matter of Indian Affairs be placed on the agenda of a Dominion-Provincial Conference in order that matters which are normally under provincial jurisdiction may be transferred to the provinces with a minimum of delay. It is imperative that the transfer be not only mutually acceptable to the Federal and Provincial authorities, but also to the Indian people.

(b) We recommend that another Special Joint Committee of the Senate and House of Commons be appointed within a period of seven years in order that Indian Affairs may again be reviewed.

(c) In order that fuller knowledge and understanding may be obtained about the Indian people, we therefore recommend that the program of research be continued, in conjunction with provinces and universities, into the economic, cultural and social concepts of Indian people both on and off the reserve.

(d) Your Committee notes with satisfaction that the Indian Affairs Branch is engaged in community planning and development studies and recommends that these be continued.

IX Indian Claims Commission

The long standing controversy concerning the Indian land question in British Columbia was the main subject in a number of briefs submitted by organizations from that province. The present annual federal grant to British Columbia Indians of \$100,000 is considered by them to be an unsatisfactory interim settlement of their claims.

Your Committee was informed that a similar dispute was settled in the United States by an Indian Claims Commission. Your Committee recommends that the British Columbia Indian land question, the Oka land dispute and such other matters as the Government deems advisable, be referred to a claims commission. Your Committee recommends that the costs of counsel to Indians for these two actions before the Indian Claims Commission, be borne by the Federal Treasury.

* * * *

Your Committee wishes to express its appreciation for the valuable contribution, co-operation and assistance provided over the past three years by the Honourable Ellen Fairclough, Superintendent General of Indian Affairs, and departmental officials from the Indian Affairs Branch and the Indian and Northern Health Services. We are also deeply grateful to all individuals and organizations who appeared before the committee or submitted written briefs.

Summary of Findings and Recommendations

GENERAL

(a) The winds of change have been blowing through the ranks of the Indian people.

(b) There is a growing awareness and recognition of the problems and needs of Indians amongst the non-Indian population.

(c) Indians may soon be willing to assume the responsibility and accept the benefits of full participation as Canadian citizens.

(d) More responsibility and authority should be directed to band councils and individual Indians with a consequent limitation of governmental control.

(e) The advancement of the Indians towards full acceptance of the responsibilities and obligations of citizenship should be without prejudice to their traditional cultural, historical and economic benefits.

I Indian Status and Band Membership

- (a) Indian and non-Indian children who are legally adopted should assume the status of their adoptive parents.
- (b) The status and membership rights of illegitimate children should conform, where possible, to provincial laws.
- (c) The term "enfranchisement" should be deleted from the Act.
- (d) Indian women who marry non-Indians should not receive a per capita share of band funds for a period of five years, but retain the right to return to their reserve in the intervening period.

II Use, Management and Development of Reserve Resources

- (a) The Indian Act should be amended to formally recognize lawful possession of land held by an Indian for twenty years and also to permit band councils to allocate land on a conditional basis.
- (b) Designated band councils should be authorized to issue leases of reserve land for a period not exceeding five years without a surrender and/or approval of the Minister.
- (c) The Indian Affairs Branch should withdraw from the management of lands held by an individual Indian who should be enabled to lease his land himself for designated purposes.
- (d) The Indian Act should be amended to clearly indicate the word "surrender" is confined to sale of land.
- (e) As the present provisions of Section 88 of the Act bar many Indians from ordinary sources of credit, the section should be amended to permit individual Indians to waive the protection afforded as regards their personal property; and band revenue funds should be subject to attachment in respect of judgments for damages and unfulfilled contracts.

III Election and Authority of Band Councils

- (a) The Act should provide for a term of office for band councils of not more than three years with one-third of the members elected each year.
- (b) All band members, who are otherwise qualified, should be allowed to vote at band elections and on any other matter affecting the band if present on the reserve when the election is held.
- (c) The chief should be elected by the band members rather than from the elected council.
- (d) An oath of office for band council members should be required.
- (e) The Indian Act should set out specific duties and authorities of the Chief.

- (f) The Act should provide for filling a vacancy in a band council as soon as possible after the vacancy occurs.
- (g) There should be an extensive educational program to acquaint band councils with the Indian Act and regulations and with council authority.
- (h) It should be the definite policy of government to move toward more self-governing bands and to this end more bands should be given control of their revenue funds.
- (i) There should be a decrease in ministerial and governmental authority with a concomitant increase in band council authority.
- (j) By-law authority under the Act should be combined and additional powers granted.
- (k) To assist elected band councils in local self-government, per capita grants on an unconditional basis should be made.

IV Use and Management of Band Funds

- (a) Greater responsibility should be placed upon Indian bands in matters of credit.
- (b) Band councils should be enabled to take adequate security on loans with the right to foreclose in case of default.
- (c) Where a band does not have sufficient funds for loaning purposes, a system of making secured loans to bands for re-loan to band members should be instituted.
- (d) An appropriate penalty should be provided in the Indian Act for misuse of band funds by band councils.

V Education and Development of Human Resources

- (a) Education is the key to the full realization by Indians of self-determination and self-government.
- (b) Education of Indian children in schools under the jurisdiction of the provinces should be continued and expanded.
- (c) Kindergarten facilities for Indian children should be provided.
- (d) The provincial authorities should be approached to ensure that a more comprehensive and accurate account of the Indian people is used and described in history courses and texts.
- (e) Agreements should be entered into with provincial authorities to extend adult education facilities to Indians with the program expanded.
- (f) Travelling library facilities to Indian communities should be expanded wherever possible.
- (g) Academic upgrading and social orientation courses to prepare young Indians for placement or specialized training should be greatly expanded.
- (h) Full support and encouragement should be given to formation of Home and Schol or Parent-Teacher Associations.
- (i) The fullest possible encouragement and incentive should be given to Indian children to go as far as they can in school.

- (j) In addition to an intensive educational program, the economic opportunities and environment of the Indian people should be developed.
- (k) The Canadian Broadcasting Corporation and other agencies should prepare factual presentations of the Indians' way of life and their contribution to the development of Canada.

VI *Health and Welfare*

- (a) The question of transferring health services for Indians to the provinces should be discussed at a Dominion-Provincial Conference, but the present health program should be continued and extended until such time as this can be accomplished.
- (b) Provincial welfare legislation and services should be used for the benefit of the Indian population.
- (c) Social welfare should be placed on the agenda of a Dominion-Provincial Conference with a view to transferring jurisdiction to the provinces.
- (d) A substantially increased public investment should be made in Indian housing and sanitation facilities.
- (e) A revolving loan fund for housing purposes should be established.

VII *Taxation and Legal Rights*

- (a) Special depreciation allowances should be allowed Indian commercial fishermen.
- (b) All existing liquor restrictions should be deleted from the Indian Act; and the same rights extended to non-Indian citizens of the various provinces be applicable to Indians, except that the right of possession and consumption on the reserve be granted only after approval by a majority vote of the band.
- (c) Sections 32 and 33 of the Indian Act relating to the sale or barter of produce from reserves in the three Prairie Provinces should be deleted.
- (d) Provincial courts should have jurisdiction to deal with Indian estates.

VIII *Indian Administration in General*

- (a) Indian Affairs should be the subject of a Dominion-Provincial Conference in order that such matters may be transferred to provincial jurisdiction as may be mutually acceptable to the Indian people, provincial and federal authorities.
- (b) Another Special Joint Committee of the Senate and House of Commons should be appointed within a period of seven years to review Indian Affairs.
- (c) A program of research into the economic, cultural and social concepts of the Indian people should be undertaken in conjunction with the provinces and universities.
- (d) Community planning and development studies should be continued.

IX *Indian Claims Commission*

An Indian Claims Commission should be established to hear the British Columbia and Oka Indian land questions and other matters, and that the cost of counsel to Indians for the two land questions specified above, be borne by the Federal Treasury.

A copy of the Committee's Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

JAMES GLADSTONE,
LUCIEN GRENIER,
Joint Chairmen.

MINUTES OF PROCEEDINGS

TUESDAY, May 30, 1961.

(29)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Vice-Chairman, Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Inman, Smith (*Kamloops*).—(2).

The House of Commons: Miss LaMarsh and Messrs. Badanai, Baldwin, Cadieu, Charlton, Fane, Gundlock, Henderson, Howard, Korchinski, McQuillan, Thomas, Wratten.—(13).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Vice-Chairman read a letter from the Six Nations "Iroquois" Confederacy in which they requested another hearing before the Committee; Mr. Baldwin then referred to a recommendation of the Steering Committee that this Group should not be heard again in view of their appearances before the Committee in 1959 and 1960, but that their letter should be printed as an Appendix to the Committee's Minutes of Proceedings.

On motion of Mr. Korchinski, seconded by Mr. Thomas,

Resolved,—That the recommendation of the Steering Committee dealing with the request of the Six Nations "Iroquois" Confederacy be adopted. (*See Appendix "S1"*).

The Vice-Chairman suggested that the Committee review the Indian Act by subject matter as referred to in "A Commentary on the Indian Act", in conjunction with the "Summary of Submissions to the Committee for 1959 and 1960", copies of which were distributed to each member.

On motion of Miss LaMarsh, seconded by Mr. Korchinski,

Resolved,—That the suggestion of the Vice-Chairman for the Committee's procedure in reviewing the Indian Act be adopted.

The Committee proceeded to the examination of the Indian Act and considered the subject of "Definition and Registration of Indians (Sections 5-17) with particular reference to Band Membership.

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

At 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING
(30)

The Committee resumed at 2.30 p.m., (*in camera*) the Vice-Chairman, Mr. Baldwin, presiding.

Present:

The Senate: Honourable Senators Inman, MacDonald, Stambaugh.—(3).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Barrington, Charlton, Fane, Korchinski, McQuillan, Muir (*Cape Breton North and Victoria*), Slogan, Small, Stefanson, Thomas, Wratten.—(14).

In attendance: Same as at morning sitting.

The Committee resumed the examination of the Indian Act and considered the following subjects:

Definition and Registration of Indians (Sections 5-17).

Reserves (Sections 18 and 19).

Possession of Land on Reserves (Sections 20-29).

Trespass on Reserves (Sections 30 and 31).

Messrs. Jones, Brown and Fairholm were further questioned and supplied additional information.

At 4.00 p.m. the Committee adjourned until 2.30 p.m. Wednesday, May 31.

WEDNESDAY, May 31, 1961.
(31)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 2.30 p.m. this day. The Joint Chairman, Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Inman, MacDonald, Stambaugh.—(3).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Barrington, Charlton, Fane, Grenier, Gundlock, Henderson, McQuillan, Ormiston, Slogan, Small, Stefanson, Thomas.—(15).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed the examination of the Indian Act and further considered the following subjects:

Reserves (Sections 18 and 19)

Possession of Land on Reserves (Sections 20-29)

Trespass on Reserves (Sections 30 and 31).

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

Mr. Badanai read a letter from the Fort William Band in which they requested to appear before the Committee. It was agreed that since the hearings for all groups had been completed, the Band should not be invited, but that copies of their brief should be distributed to the Members of the Committee.

At 4.20 p.m. the Committee adjourned until 9.30 a.m. Thursday, June 1.

THURSDAY, June 1, 1961.
(32)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day.

Present:

The Senate: Honourable Senators Inman, MacDonald, Smith (*Kamloops*).—(3)

The House of Commons: Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fane, Henderson, Howard, Muir (*Cape-Breton North and Victoria*), Small, Stefanson, Thomas.—(12).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairmen were unavoidably absent.

On motion of Mr. Cadieu, seconded by Mr. Stefanson,

Resolved,—That Mr. Barrington do take the Chair of this Committee as Acting Joint Chairman for today's sittings.

Mr. Barrington took the Chair and the Committee resumed the examination of the Indian Act and considered the following subjects:

Sale or Barter of Produce (Sections 32 and 33)

Roads and Bridges (Section 34)

Lands taken for Public Purposes (Section 35).

Special Reserves (Section 36)

Surrenders (Sections 37-41)

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

At 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING (33)

The Committee resumed at 2.30 p.m. *in camera*, the Acting Joint Chairman, Mr. Barrington, presiding.

Present:

The Senate: Honourable Senators Inman, MacDonald—(2).

The House of Commons: Miss LaMarsh, and Messrs. Badanai, Baldwin, Barrington, Charlton, Fane, McQuillan, Ormiston, Slogan, Small, Thomas.—(11).

In attendance: Same as at morning sitting.

The Committee resumed the examination of the Indian Act and considered the following subjects:

Surrenders (Sections 37-41)

Descent of Property (Sections 42-44)

Wills (Sections 45 and 46)

Mentally incompetent Indians (Section 51).

Guardianship (Section 52)

Management of Reserves and Surrendered Lands (Sections 53-60).

Messrs. Jones, Brown and Fairholm were further questioned and supplied additional information.

At 4.15 p.m. the Committee adjourned until 9.30 a.m. Tuesday, June 6.

TUESDAY, June 6, 1961.

(34)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (Kamloops).—(4).

The House of Commons: Miss LaMarsh, and Messrs. Baldwin, Charlton, Fane, Grenier, Henderson, Howard, Martel, McQuillan, Thomas.—(10).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed the examination of the Indian Act and considered the subject of "Management of Indian Moneys" (Sections 61-68A).

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

At 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

NOTE: Out of respect to Mr. William Anderson, M.P., who passed away today, the Committee meeting scheduled for this afternoon was cancelled.

WEDNESDAY, June 7, 1961.

(35)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 2.30 p.m. this day. The Vice-Chairman Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Inman, MacDonald.—(2).

The House of Commons: Messrs. Baldwin, Charlton, Fane, Henderson, Leduc, McQuillan, Small, Stefanson, Thomas.—(9).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director; and C. I. Fairholm, Executive Assistant to the Director.

Mr. Thomas read a letter from the Caradoc Indian Agency requesting that candidates for the positions of Band Councillors or Band Chiefs should be subject to educational qualifications.

The Committee continued the examination of the Indian Act and considered the following subjects:

Election of Chiefs and Band Councils (Sections 73-79).

Loans to Indians (Section 69).

Farms (Section 70).

Treaty Moneys (Section 71).

Regulations (Section 72).

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

At 4.15 p.m. the Committee adjourned until 9.30 a.m. Thursday, June 8.

THURSDAY, June 8, 1961.

(36)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald.—(3).

The House of Commons: Messrs, Baldwin, Charlton, Henderson, McQuillan, Small, Stefanson.—(6).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones Director; L. L. Brown, Special Assistant to the Director, and C. I. Fairholm, Executive Assistant to the Director.

Mr. Jones, Director of the Indian Affairs Branch, supplied an answer to a question raised by Mr. Thomas at yesterday's sitting dealing with revolving fund loans.

The Committee continued the examination of the Indian Act and considered the following subjects:

Powers of the Council (Section 85).

Taxation (Section 86).

Legal Rights (Sections 87-89).

Trading with Indians (Sections 90-91).

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

At 11.00 a.m., the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING

(37)

The Committee resumed at 2.30 p.m. *in camera*, the Joint Chairman, Honourable James Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presiding.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald.—(3).

The House of Commons: Messrs. Baldwin, Charlton, Fane, Henderson, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Small, Stefanson, Thomas.—(10).

In attendance: Same as at morning sitting.

The Committee resumed the examination of the Indian Act and considered the following subjects:

Removal of Materials from Reserves (Section 92).

Intoxicants (Sections 93-99).

Forfeitures and Penalties (Sections 101-107).

Enfranchisement (Sections 108-112).

Mr. McQuillan raised the matter of the British Columbia Indian Land Question, and the subject was further discussed by the Committee.

Messrs. Jones, Brown and Fairholm were further questioned and supplied additional information.

At 4.00 p.m., the Committee adjourned until 9.30 a.m. Tuesday, June 13.

TUESDAY, June 13th, 1961.
(38)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairman, Honourable Senator Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, Smith (*Kamloops*).—(3).

The House of Commons: Messrs. Badanai, Baldwin, Charlton, Fane, Henderson, Small, Thomas.—(7).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; R. F. Davey, Chief of Education Division; L. L. Brown, Special Assistant to the Director, and C. I. Fairholm, Executive Assistant to the Director.

Mr. Badanai referred to a letter he received from the Sheshegwaning Indian Reserve complaining of their school problems. The Vice-Chairman suggested that this matter be deferred until the over-all review on education.

The Committee continued the examination of the Indian Act and considered the following subject:

SCHOOLS (SECTIONS 113-122)

The Vice-Chairman stated that the examination of the Indian Act was now concluded; he then called Mr. Jones, who read a summary of the written and oral presentations by officials of the Indian Affairs Branch before the Committee.

Questioning of Mr. Jones and his officials on the above-mentioned summary was deferred until the next sitting.

On motion of Mr. Charlton, seconded by Mr. Thomas,

Resolved,—That this afternoon's meeting be cancelled due to Mr. Jones being required to attend another meeting.

At 10.45 a.m. the Committee adjourned until 2.30 p.m., Wednesday, June 14th.

WEDNESDAY, June 14, 1961.
(39)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 3.05 p.m. this day. The Joint Chairman, Honourable Senator James Gladstone, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald.—(3).

The House of Commons: Messrs. Barrington, Charlton, Fane, Henderson, Howard, McQuillan, Small.—(7).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee was informed that the Joint Chairman, Mr. Grenier, was unavoidably absent.

On motion of Mr. McQuillan, seconded by Mr. Fane,

Resolved,—That Mr. Barrington do take the Chair of this Committee as Acting Joint Chairman for today's sitting.

Mr. Barrington took the Chair and the Committee resumed the examination of the brief presented by Mr. Jones at yesterday's sitting.

Messrs. Jones, Brown and Fairholm were questioned and supplied additional information.

The questioning of the officials of the Indian Affairs Branch being continued, at 4.15 p.m. the Committee adjourned until 9.30 a.m. Thursday, June 15th.

THURSDAY, June 15, 1961.
(40).

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presided.

Present:

The Senate: Honourable Senators Gladstone, MacDonald.—(2).

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Henderson, Howard, McQuillan, Ormiston, Stefanson.—(8).

In attendance: From the Indian Affairs Branch: Messrs. H. M. Jones, Director; L. L. Brown, Special Assistant to the Director, and C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed consideration of the brief presented to the Committee by Mr. Jones on June 13th.

Messrs. Jones, Brown and Fairholm were further questioned and supplied additional information.

The questioning being continued, at 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING

(41)

The Committee resumed at 2.30 p.m., *in camera*, the Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. G. W. Baldwin, presiding.

Present:

The Senate: Honourable Senators Gladstone, MacDonald.—(2).

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Howard, Ormiston, Muir (*Cape Breton North and Victoria*), Stefanson.—(7).

In attendance: Same as at morning sitting.

The Committee continued and completed its consideration of the brief presented to the Committee by Mr. Jones on June 13th.

The Vice-Chairman read letters from the Sheshegwaning Indian Reserve and the Indian Affairs Branch in connection with classroom facilities; it was agreed to refer these letters to the Steering Committee.

The Vice-Chairman expressed the sincere appreciation of the Committee to Mr. Jones and his officials for their courtesy and co-operation during the course of the Committee's sittings.

Mr. Jones thanked the Committee for the courtesies extended to him and to his officials during the past three years.

It was agreed that the Steering Committee would undertake the preparation of the Final Report and that a Draft Report would be submitted to the Joint Committee for consideration and approval.

At 4.00 p.m. the Committee adjourned to the call of the Chair.

THURSDAY, July 6, 1961.

(42)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, Inman, MacDonald, Smith (*Kamloops*).—(4).

The House of Commons: Messrs. Badanai, Baldwin, Charlton, Fane, Grenier, Gundlock, Korchinski, Muir (*Cape Breton North and Victoria*), Small, Stefanson, Thomas.—(11).

The Joint Chairmen, on behalf of the subcommittee, submitted a draft Report to Parliament.

The Committee proceeded to the consideration of the draft Report to Parliament, section by section, and made certain amendments thereto.

Consideration of the Report still being continued, at 11.00 a.m. the Committee adjourned until 2.30 p.m. this day.

AFTERNOON SITTING

(43)

The Joint Committee of the Senate and the House of Commons on Indian Affairs resumed at 2.30 p.m. *in camera*, the Joint Chairmen, presiding.

Present:

The Senate: Honourable Senators Gladstone, Inman, Smith (*Kamloops*)—(3).

The House of Commons: Messrs. Badanai, Baldwin, Charlton, Grenier, Howard, Miss LaMarsh, Messrs. Martel, Small, Stefanson, Thomas.—(10).

The Committee resumed consideration of the draft Report to Parliament and made further amendments thereto.

The division bells of the House of Commons having sounded, the Committee adjourned at 4.30 p.m. until 9.30 a.m. Friday, July 7.

FRIDAY, July 7, 1961.

(44)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met *in camera* at 9.30 a.m. this day. The Joint Chairmen, Honourable Senator James Gladstone and Mr. Lucien Grenier, presided.

Present:

The Senate: Honourable Senators Gladstone, MacDonald, Smith (*Kamloops*).—(3).

The House of Commons: Messrs. Badanai, Baldwin, Charlton, Grenier, Howard, Miss LaMarsh, Messrs. Muir (*Cape Breton North and Victoria*), Stefanson, Thomas.—(9).

The Committee completed consideration of the Draft Report to Parliament which was adopted as amended, and was ordered to be presented to Parliament as the Committee's Second and Final Report.

At 11.00 a.m. the Committee adjourned to the call of the Chair.

M. SLACK,
Clerk of the Committee.

APPENDIX "SI"

SIX NATIONS "IROQUOIS" CONFEDERACY
GRAND RIVER COUNTRY

OHSWEKEN, ONTARIO, March 18, 1961.

Mr. M. Slack
Clerk of Joint Committee
Ottawa, Ont.

Dear Sir:

In a recent letter from your office you assured us the Confederacy of the Six Nations that you would place our letter before the joint commission which is now in session and have met with several of the Mohawk leaders.

We of the Six Nations of Grand River are anxious to meet with the committee again to complete the discussions started last session.

We do not believe the Canadian People knowing the historical background of the Six Nations and our part in Canada's history would repudiate the Treaty Pledges to our people or condone the way in which the affairs of our people are administered. Even the few supporters of the so called elective council resent the misappropriation of our funds.

The Chiefs of the Six Nations have always supported the democratic principles of the British Crown and fulfilled our Treaty obligations to the fullest, even to upholding the honor of Canada when Proctor failed at Moraviantown. The welfare of our people however is our first concern, and the loyalty to our people is our first consideration.

The joint committee we believe has heard the complaints from Indians all across Canada, and all complain the actions of the Indian Department under the Indian Act, and yet the committee will step aside and look away and allow our Treaty, Pledges, Proclamations to become scraps of paper. Surely this committee realizes that the Government is not treating the Grand River Six Nations according to Treaty. You must know that we have made Treaties with the Dutch, the French, the English and the United States, and that we were highly instrumental that this Continent is English speaking.

You all have heard of the uprising in March of 1959 complaining against the Puppet regime and the Indian Act which was forced upon us in 1924. Surely this proves the discontent of the Six Nations People. Canada is spending or giving millions of dollars each year in foreign aid etc. But what about the Indian from whose Country you get the wealth to give. Too you profess to encourage the re-birth of new Countries and yet you are striving to integrate the Indian.

Am writing once more, asking that this letter be placed before the joint committee, asking too that our status be defined. Otherwise we will be forced to send circular letters to every member of Parliament and to every member of the United Nations, and save Canada from being guilty of genocide.

Yours truly,

ARTHUR ANDERSON,
Secretary of Confederacy.

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